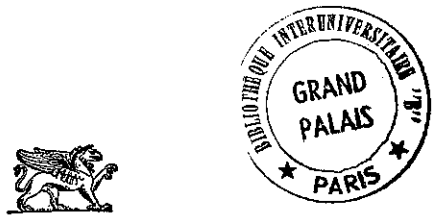
RJ 7907

OPERATION KEELHAUL

The Story of Forced Repatriation from 1944 to the Present

By Julius Epstein

Introduction by Bertram D. Wolfe



THE DEVIN-ADAIR COMPANY | *Old Greenwich*

GP 2442

Copyright © 1973 by Julius Epstein
Permission to reprint material from this
book in any form whatsoever must be obtained in writing
from the publishers. For information, address:
The Devin-Adair Company, 1 Park Avenue,
Old Greenwich, Conn. 06870
Library of Congress Catalogue No. 72-85336
Printed in U.S.A.
Canadian Agent: Trans Canada Ltd., Toronto

TO BLUMBI

Introduction

by Bertram D. Wolfe

I met Julius Epstein for the first time in the nineteen forties. He was then engaged in solving a murder mystery of recent times, the disappearance of fifteen thousand Polish Army Officers who had been prisoners of war, and the finding of some four thousand of their corpses buried in the Katyn Forest. They had been hastily shot and carelessly buried in their winter uniforms, complete with identity cards and even letters from home in their pockets. They had been captured when Hitler and Stalin together attacked and divided Poland between them. The forest had been in Russian hands until Hitler attacked Stalin in June 1941, whereafter it was occupied by the Germans. The carelessly buried corpses were dug up by the German occupying army. Nazi propagandists charged Stalin with the crime, while Stalin answered by laying the murders at Hitler's door. Our own government accepted Stalin's version as true. But who had really murdered these four thousand officers, and presumably the rest of the officer prisoners of war who had disappeared? This was the mystery that Julius Epstein dedicated himself to unravel.

With that rare combination of deep moral concern, fearless journalism, and tireless scholarship that I found to characterize him, Julius Epstein pushed his investigation until at long last he had solved the mystery completely. His solution was unpopular with our government and press for we were then allied with Stalin, but Epstein made it inescapably clear that only the Russians could have shot them and buried them in their winter uniforms in order to leave Poland leaderless and helpless, since German troops could not have got to Katyn until after Hitler attacked in June and occupied the forest in the heat of midsummer. Epstein's study, complete in every detail, eventually compelled our government to reverse itself, silenced the mendacious propaganda of the Soviet Government, and won the gratitude of the Polish people. While Poland's government was still free of Russian-imposed Communist puppets, it showed its gratitude by making Julius Epstein a *Knight of the Order of Reborn Poland* (*Kawaler Orderu Odrodzenia Polski*). Today, the present Communist Polish Government does not permit any mention of Katyn, for now, a

quarter of a century later, no one can speak of the mass slaughter of so large a part of the natural Polish élite without invoking the name and unassailable solution of the mystery by Julius Epstein.

Now this "knight" of a pen that is truly mightier than the sword has tackled a more complex enigma, one involving the honor of three powers far greater than Poland: the United States, England and Russia, and the fate not of fifteen thousand officers but of millions of Russian refugees, from generals of armies to intellectuals, Cossacks, peasants and workers, many of whom at peril to their lives had sought freedom in the West, and many more who, tossed by the storms of a great world war, found themselves in the war prisons of Western countries and begged for refuge in lands of freedom, swearing to commit suicide, as many of them succeeded in doing, rather than be returned by force to the land of tyranny from which their daring, or the accidents of history, had helped them to escape.

Thus, no sooner had Epstein completed the task of convincing the world that his solution of the Katyn Forest murder mystery was a true one than his attention was attracted to the fate of these millions of Russian prisoners and escapees. For twenty years now, since the beginning of 1954, he has devoted his unparalleled skill to unearthing carefully concealed documents, striving to get the release of those that had been wrongfully classified as *Top Secret*, laboring to overcome the resistance of bureaucrats and highly placed officials of America and England interested in concealing at all costs the true story of these deportations by force—by force so brutal that American and British soldiers shed tears as they carried out the orders to club and blackjack prisoners into insensibility, hold them down at bayonet point, bind the cut arteries with which they had attempted to commit suicide rather than be returned to Stalin's "justice," shoot their feet so that they could not run, toss maimed and mangled bodies back into trucks after beating them into unconsciousness, or drugging them into insensibility.

To reconstruct the shameful and pitiful story, Epstein has sought out participants, eyewitnesses, surviving victims; brought before the reader the actions and statements of personages high and low from the President of the United States and the Prime Minister of England, to the common rank and file soldier and lowliest victim. He has ferreted out military orders, communications between our State Department, the British Foreign Office, and Army Headquarters in the field. With grave impartiality he apportions praise and blame, but for the most part lets each actor speak for himself. In these pages we can find George Kennan in clear if restrained opposition, Charles Bohlen first opposing then conforming to

orders from higher up, Averell Harriman protesting courageously until he is silenced, Dwight Eisenhower, then Commander-in-Chief, issuing his cruel orders with unreflecting firmness, then years later, as President of the United States during the Korean War, making a forthright reversal of his error, as he considers the plight of the Chinese prisoners who do not want to return to their native land. Every episode is recounted with admirable restraint, a restraint which only heightens the intensity of our interest, our feelings, and our moral judgments. In all its bloody and shameful details the story of the fate of these millions is terribly painful to read, yet, once begun, impossible to put down.

Nothing escapes Julius Epstein's vigilance, and no historian of our era can afford to overlook his book. In it he will find solutions to many hitherto puzzling problems. Here is fresh light on the behind-the-scenes and unreported agreements of the Yalta Conference; on the Nuremberg Laws and Nuremberg Trials; on Russia's sudden agreement to withdraw her army of occupation from Austria after eight years of refusal; on the malfunctioning of the U.N. and the UNRRA Refugee Relief Organization; on the Vlasov movement and the Vlasov Army (a story that has never been better or more clearly told); on the sad fate of the Cossack Divisions that trusted our and England's word ("The NKVD would have slain us with truncheons, the British did it with their word of honor"); on the deportation into Stalin's hands by force of aged Russian refugees who had escaped from Russia around 1920 and were now seized and deported as if they were newly taken war prisoners; on the deportation with incredible brutality of refugees who had reached the apparent safety of our Fort Dix and our city of Seattle. In Seattle Harbor we watch American soldiers, some of them weeping, dumping Russian bodies into trucks, subduing them with blackjacks and bayonets, fishing them up when they leap into the water, dumping them on a Soviet ship where they fought with bare fists and disabled the engines, helping the Soviet captors to subdue them and repair their engine.

Our author is unduly modest about the completeness of his story because the Department of the Army is still stubbornly resisting his lawsuit to get certain of these documents, now a third of a century old, declassified. For it must be said that from other documents which are long unclassified, from the accounts of officers who are deeply ashamed of what they were compelled to do, and from unintended leaks that such an indefatigable investigator was able to put together, the whole shameful story which British and American officials are trying still to conceal under

the cloak of secrecy, has been well spelled out and put together by this master historian-detective.

The title of the present work was not chosen by Mr. Epstein, but is the code name adopted by the leaders of our armed forces in the field for the forced deportation of the millions of refugees who found themselves in apparent freedom in the West. To KEELHAUL is the cruelest and most dangerous of punishments and tortures ever devised for men aboard a ship. It involves trussing a man up with ropes, throwing him overboard, unable to swim, and hauling him under the boat's keel from one side to the other, or even from stem to stern. Most of those thus keelhauled under water are already dead when their punishment is over. That our Armed Forces should have adopted this term as its code name for deporting by brutal force to concentration camp, firing squad, or hangman's noose millions who were already in the lands of freedom, shows how little the high brass thought of their longing to be free. One quote from the *Handbook Issued by Headquarters, United States Forces, European Theater* in September 1945 will suffice to make this point clear:

> No United Nations' National, stateless person . . . or persons persecuted because of race, religion, or activity in favor of the United Nations, will be compelled to return to his domicile except for a criminal offence. Liberated Soviet Citizens . . . are excluded from this policy . . . and will be returned to the control of the USSR without regard to their individual wishes.

To conclude this introduction to Mr. Epstein's work, I should like to say a word about the significance of the forced deportation of escapees, as such actions may affect the future history of freedom itself.

The chief victims of the Russian totalitarian dictatorship are not ourselves nor the other countries of the free world that Communism hopes some day to "bury" under its "wave of the future." The chief victims are the voiceless citizens of the Russian land, and neighboring lands such as Czechoslovakia, Hungary, and Poland. If, despite all our approaches with technological aid and generous if naive good will, the Russian and auxiliary armies are ever sent to invade the free world, their armed forces will be filled with the sons and brothers of victims of the concentration-camp, dictatorial regime. Will they trust us to discriminate between their rulers and themselves? Will they feel that we offer them freedom? In our OPERATION KEELHAUL, we answered them with a disillusioning NO. In the Korean War we answered with a heartening YES. If they are sure the answer is YES, then their rulers will be powerless to use the armed forces against us. If they feel our answer is NO, we will have consolidated those

armed forces behind their native tyrannical rulers, as our "unconditional surrender" slogan consolidated the German Armed Forces behind Hitler. Only if our authoritative spokesmen, and those of Britain as well, openly publish the truth, openly acknowledge our error, openly pledge that the "Lands of Freedom" will indeed remain lands of freedom and will open their doors to all who seek freedom and refuge, only then will the world be safe for freedom in some possible perilous future. Thus Julius Epstein's book is more than an exciting reconstruction of hidden things. It is in its implications for the future of our century, surely one of the most important books published in our time.

Contents

INTRODUCTION Bertram D. Wolfe : vii
ACKNOWLEDGEMENTS : xv
PREFACE: In the Interest of Truth and Humanity : 1
1 "Operation Keelhaul"—1970 : 3
2 International Law and Forced Repatriation : 13
3 The Yalta Agreement : 23
4 The Grew Note : 41
5 General Vlasov and His Movement : 53
6 Bleiburg and Lienz, the British Role : 73
7 The American "Operation Keelhaul" : 99
8 "Operation Keelhaul" on American Soil : 103
9 The Tinio Case and the Nuremberg Law : 105
10 Korea and Forced Repatriation : 111
11 The Austrian State Treaty and Forced Repatriation : 119
12 The Soviet Campaign for the "Return to the Homeland" : 135

The Case of the U.N. High Commissioner for Refugees, Dr. van Heuven Goedhart

13 Forced Repatriation by Italy and Austria : 151

Soviet campaign for "Return to the Homeland"
The Fotitch-Krek Memorandum
The Zellerbach Report
The Testimony of Joseph V. Bosiljevic
The Mikulic Case

14 Forced Repatriation in Asia : 185
15 Forced Repatriation by the Federal Republic of Germany : 189

16 The Search for the Truth in the United States : 195

The Bosch Resolution

17 International Convention Against Forced Repatriation : 207

18 Conclusion : 211

APPENDIX : 213

FOOTNOTES : 223

BIBLIOGRAPHY : 233

INDEX : 245

Illustrations

BETWEEN PAGES 78 & 79

Acknowledgements

I am greatly indebted to the Hoover Institution On War, Revolution and Peace, Stanford University which, by appointing me Research Associate, gave me the opportunity to write this book. I also owe gratitude to Dr. Stefan T. Possony for his encouragement along the way. My special thanks go to Professor Bertram D. Wolfe for his unflagging interest in my work, his Introduction, and his advice during many years. Last, but not least, I want to express my gratitude to Mrs. Arline Paul, chief librarian at the Hoover Institution, her colleagues at the library, and to Erika Fueloep-Miller, a friend in need.

JULIUS EPSTEIN

Preface: In the Interest of Truth and Humanity

"Operation Keelhaul" * is the code designation the U.S. Army gave to its own—Top Secret—documentary record of the forced repatriation of at least two million prisoners of war and displaced persons to Stalin's hangmen and slave labor camps.

The chief perpetrators of this crime against humanity were not the Nazis, nor the Communists, but the military authorities of the Western Allies. The crime was committed not against the enemies of the West, but against the enemies of Communism. It was committed not in compliance with existing law, but in violation of all existing domestic legislation and international law. It did not serve the interests of the Western democracies and freedom, but only and exclusively the interests of Joseph Stalin, the Soviet Union and world Communism.

What makes the case truly perplexing is the fact that our highest officials have spoken strongly against forced repatriation.

In a statement to the press on May 20, 1947, Secretary of State George C. Marshall said: "It is the fixed policy of the United States Government to oppose any forced repatriation of displaced persons." [1]

In 1952, during the war in Korea, President Truman, answering a letter from U.S. Army Captain Charles G. Ewing, wrote:

> Your conversations with those men who prefer death to life under a Communist regime point up vividly the compelling humanitarian and moral reasons for the stand which the United Nations negotiators have taken on the repatriation question. We must not use bayonets to force these prisoners to return to slavery and almost certain death at the hands of the Communists.
>
> You soldiers in Korea can also well appreciate the fact that behind the Iron Curtain there are millions of people who yearn desperately to regain their lost freedom and sense of dignity. These people look to the free world as their only hope to achieve this goal.[2]

* "Keelhaul," according to Webster (second edition) means, "to haul under the keel of a ship, either athwartships or from bow to stern by ropes attached to the yardarms on each side. It was formerly a punishment in the Dutch and British Navies and a method of torture used by pirates."

Speaking before Committee One of the United Nations General Assembly on October 24, 1953, Secretary of State Dean G. Acheson declared:

> "So far as I know, there has been no member of the United Nations outside the Communist group that has ever suggested that it was right, proper, legal, or necessary to return these prisoners by force." [3]

Finally, President Eisenhower, in a speech of May 7, 1953, expressed these categorical views:

> "People that have become our prisoners cannot by any manner of means be denied the right on which this country was founded . . . the right of political asylum against the kind of political persecution they fear. . . . Consequently, to force those people to go back to a life of terror and persecution is something that would violate every moral standard by which America lives. Therefore, it would be unacceptable in the American code, and it cannot be done." [4]

And yet the fact is that in May, 1945, the *Guide to the Care of Displaced Persons in Germany* (G5 Division, Displaced Persons Branch, Revised May, 1945) of the Supreme Headquarters, Allied Expeditionary Force, contained the following unmistakable, mandatory instructions:

> After identification by Soviet Repatriation Representatives, Soviet displaced persons will be repatriated regardless of their individual wishes.
>
> Supreme Headquarters will issue instructions based on such cases to serve as a guide to Assembly Center Directors in dealing with subsequent cases.
>
> Note: Enemy and ex-enemy displaced persons, except those assimilated to United Nations status, will be returned to their countries of nationality or former residence without regard to their personal wishes.

And these instructions, despite all U.S. laws, traditions, official statements, and considerations of humanity to the contrary, were implemented between 1944 and 1947, resulting in the forced repatriation of at least two million people to the Soviet Union—to jail, slave labor camps, ruthless persecution and death.

Among all of the problems connected with World War II, this is one of the most sorely neglected. This book serves the purpose of shedding light on it, in the interest of truth and humanity.

1 Operation Keelhaul—1970 Or The Case Of Simas Kudirka

On November 29, 1970—six days after the event occurred—*The New York Times* carried a report by Robert McFadden from which I quote the following parts:

> At 2 P.M. last Monday (November 23, 1970), as the mother ship of a Soviet fishing fleet and a United States Coast Guard cutter rocked in the swells a mile off Martha's Vineyard, a Lithuanian seaman made a dramatic leap for political asylum.
>
> The seaman, a radio operator known here only as Simas, hurled himself across a 10-foot gap from the *Sovetskaja Litva* and onto the deck of the cutter *Vigilant*.
>
> About 10 hours later, after a flurry of ship-to-shore radio consultations, the seaman was forcibly returned to the fishing ship by Soviet crewmen who had boarded the American vessel with the permission of the Coast Guard. The man, according to eyewitness accounts, was severely beaten by the Russians while the American seamen looked on.
>
> 'Simas pleaded with [the Americans] to let him stay,' a civilian who was aboard the cutter and witnessed the beating said yesterday. He added:
>
> He was crying 'help' and was on his knees praying and begging him to save his life. But the captain said he was just following orders.'
>
> The incident has led to a series of demonstrations here and in other cities, produced conflicting statements by the Coast Guard and the State Department, and raised questions over a possible United States violation of the Geneva Convention protocol on political asylum.

This latest event in the unending history of Operation Keelhaul * (for definition, see Introduction, p. i.) infuriated President Nixon who called the Coast Guard's refusal to grant asylum to Simas Kudirka "outrage-

* Operation Keelhaul is the code designation the American Army gave to its own, originally Top Secret, documentary record of the forced repatriation of more than one million prisoners of war and displaced persons to Stalin's hangmen and slave labor camps.

ous." *An investigation by the Coast Guard was immediately ordered. In addition, Congress decided to investigate the incident.

Congressional hearings began on December 3, 1970, and continued on the 7th, 8th, 9th, 17th, 18th, and 29th of December, 1970. They were held by the Subcommittee on State Department Organization and Foreign Operations of the Committee on Foreign Affairs, House of Representatives, under the chairmanship of Wayne L. Hays, of Ohio.

Among the witness who gave testimony was Robert M. Brieze, President of the New Bedford Seafood Producers Association.

Brieze, himself a refugee from the Soviet Union, said in his statement before the subcommittee:

"At approximately 6 P.M., a United States sailor informed me that there was a defector aboard who had asked for political asylum. I then went to see Captain Eustis. The captain told me that the defector was a Lithuanian and that he was asking for political asylum.

"I explained to the captain that the United States State Department does not recognize the occupation of Lithuania by the Soviets, and that the State Department has a special desk which handles Baltic affairs. I further told Captain Eustis that should the Lithuanian defector be returned to the Soviet ship, he would either lose his life or be exiled to Siberia. I informed him that I had escaped the Soviets myself in 1944 and I know how they treated defectors.

"At approximately 11 P.M. Captain Eustis said that he had orders from above to give back the Lithuanian defector to the Russians. I then pleaded with Captain Eustis to save the defector's life and keep him aboard the *Vigilant*. Captain Eustis said he had no choice as he had received orders. At this time Captain Eustis was crying. He said that the orders had come from the Boston office.

"About 11:30 P.M. three additional Russians boarded the *Vigilant* for the purpose of removing Simas Kudirka. The six Russians were allowed to go to the room where Simas Kudirka was placed. A fight ensued and cries were heard by all of us from the room where the Russians had entered to get Simas Kudirka. The door was temporarily opened, and I heard cries of 'help, help,' and saw Simas Kudirka being beaten by the Assistant Soviet Commander. His face was bloody and his shirt torn off.

"Somehow, Simas Kudirka managed to escape the room, ran on deck, and still shouting 'help, help,' disappeared from sight on the upper deck. Somebody shouted, 'he jumped, he jumped,' and at that time the *Vigilant* started its engines and snapped its lines from the *Sovetskaya Litva*.

"The Russian sailors continued searching the U.S. ship. They found Simas Kudirka hiding, overpowered him, tied him with ropes and blankets, and beat him violently.

"At midnight, somebody ordered a United States lifeboat lowered and several U.S. seamen accompanied the six Russians and Simas Kudirka to the Soviet ship.

"When the U.S. sailors returned, they said that Simas Kudirka had been beaten savagely and that he was either unconscious or dead when he was taken aboard the Russian ship. They said he had been kicked repeatedly.

"After the Soviet ship raised its anchor, we followed it out of United States territorial waters. On the way back to port, Captain Eustis asked all of us to keep the matter quiet." [5]

* *San Francisco Examiner*, December 2, 1970.

Representative Hays, the Subcommittee chairman, thanked Brieze and remarked:

"Mr. Brieze, that is about as sickening a story as I have ever heard in all my years as an American citizen. It is contrary to American tradition. It is contrary to everything that this country stands for.

"I have not been able to find out yet, at least to hear from him who ordered this, but whoever it is, he should be in my opinion courtmartialed, dismissed from the service and preferably sent to Siberia where he assigned this poor man Kudirka." [6]

He soon found out. On December 9, 1970, Admiral C. R. Bender, Commander, U.S. Coast Guard, appeared before the Hays Subcommittee. From his testimony evolves the fact that the three key figures in the forced repatriation of Simas Kudirka who, according to the official opinion of the State Department, was not a Soviet citizen, were: Admiral William B. Ellis, Commander of the First Coast Guard District, Boston; Captain Fletcher W. Brown, Chief of Staff of the First Coast Guard District; and the commanding officer of the Coast Guard cutter *Vigilant*, Commander Ralph W. Eustis.[7]

These are the people who bear the most direct responsibility for Kudirka's forcible repatriation. There is no doubt, at least in my own mind, that these three men should have been court-martialed and dishonorably dismissed from the service. Instead, they were allowed to retire with full pay.

Interestingly, Prince Sadruddin Aga Khan, High Commissioner for Refugees of the United Nations, sent a telegram to Secretary of State William P. Rogers expressing his great dismay. He also discussed the incident with Charles W. Yost, at that time the United States Ambassador to the U.N. As *The New York Times* noted on December 1, 1970:

The prince is known to view the incident as a violation by the United States of the 1951 convention relating to the status of refugees. The convention prohibits states returning a refugee to territory where his life or freedom is threatened.

Characteristic of the Coast Guard's bungling is the fact that Admiral Ellis, who ordered the *Vigilant*'s captain to return Kudirka, was not even on duty that day. He was at home convalescing from surgery. During Admiral Ellis' absence, his chief of staff, Captain Fletcher W. Brown, was the acting district commander. In no case was Admiral Ellis entitled to give any orders.

Reading the Subcommittee's Report on the hearings, the horrifying facts become crystal clear:

> While Headquarters was seeking guidance to pass back to Captain Brown, he called Admiral Ellis who was not in command. What started as a briefing of Admiral Ellis by Captain Brown turned into a series of strong suggestions to Captain Brown by Admiral Ellis:
>
> If the man did jump in the water . . . we should give the Russians the opportunity to pick him up. We should not let the man drown. We should save him if this became the situation. . . . If we get the defector, we should give him back.[8]

The drama reached its climax when Commander Eustis of the *Vigilant* tried to reach District Headquarters in Boston after Kudirka, at exactly 4:20 P.M., had jumped from the Soviet vessel to the American Coast Guard cutter. Unable to contact Captain Brown, Commander Eustis called Admiral Ellis (who was on sick leave) at 5:15 P.M. The Committee Report relates the pertinent parts of the telephone conversation:

> Rear Admiral Ellis: Does the [Soviet] ship know that he has come aboard your ship? If not, I think they should know that, over.
>
> Commander Eustis: Roger, understand they suspect that man has defected from the ship and is aboard *Vigilant*. However, they expressed no concrete desire to recover man from ship, over.
>
> Rear Admiral Ellis: In view of the nature of present arrangements with them and in the interest of not fouling up any of our arrangements as far as the fishing situation is concerned, I think they should know this and if they choose to do nothing keep him on board, otherwise put him back, over.[9]

This statement reveals the boundless naiveté of Rear Admiral Ellis. How could he ever be so ignorant as to assume there was the slightest possibility that the Soviets would choose "to do nothing" about the defector Simas Kudirka?

Again I quote:

> Commander Eustis: Boston this is *Vigilant*. Roger on that. Will search out further with them whether or not they know the man is aboard and desire to return him to Soviet mother ship. If they have no indication that he is aboard or no desire to recover him, will intend to get underway at this time with man on board. If they desire to recover him will have them return man to mother ship. If he desires to jump from mother ship to *Vigilant* as we depart will make attempt to pick him up as he leaves mother ship and recover man and stand by for further instructions, over.[10]

Commander Eustis' ignorance matches that of Admiral Ellis. He really believed that Kudirka would still have the opportunity to jump from the *Sovetskaya Litva* after his forceful return to the Soviet mother ship. This conversation shows that neither Admiral Ellis nor Commander Eustis have ever been instructed in Soviet history and Soviet practices concerning defectors. After more than half a century of Soviet brutality and vengefulness, they had not the slightest idea how the Soviets would treat defectors from the "workers' paradise." If even high ranking officers of the Coast Guard never acquire such basic knowledge about the Soviet Union, it is easy to imagine how little, if anything, the lower ranks of our armed services know.

Rear Admiral Ellis even opposed the *Vigilant*'s Commander Eustis' readiness to save Kudirka's life in the rather hypothetical case that Kudirka would be allowed by the Soviets to jump—half dead—from the mother ship into the water. According to the subcommittee's report, he told Commander Eustis: "Go ahead that way. If the man jumps into the water give the Russian ship first opportunity to pick him up." [11]

Admiral Ellis reiterated this advice by telling Commander Eustis: "Make sure that you don't preempt them in taking that action." [12]

Then Admiral Ellis added a completely new point which seemed to be borne out of a rather incredible bureaucratic desire: He told Commander Eustis that Kudirka should not be returned without a written request from the Soviets. In relaying this order to Commander Eustis, Captain Brown ordered Eustis to find out whether the Soviets really wanted the defector back. Here we have just another example of the astounding naiveté which is so characteristic of the Kudirka affair. One wonders what made Admiral Ellis and Captain Brown think that the Soviets might *not* desire to get Kudirka back. Was there ever any such

precedent in Soviet history? Certainly not. Why didn't Admiral Ellis realize this? How can one become an American Rear Admiral without knowing the most basic facts about Soviet behavior and Soviet history, facts which every college student learns in the first semester of Russian history?

Admiral Ellis reached the summit of his ignorance after Captain Brown conveyed Commander Eutsis' concern for Kudirka's life. Admiral Ellis replied: "I don't think we have any reason to believe this will happen. They are not barbarians." [13]

At this point, the Subcommittee's report reads:

> In his testimony before the subcommittee when he was reminded of the mass executions under Stalin, he defended his characterization because he thought 'the situation has changed considerably.' He was not familiar with more recent Soviet actions. In fact, he exhibited appalling ignorance about basic American history as well as current international events.[14]

At 8:19 P.M., Commander Eustis informed Captain Brown that he had just received a formal written request from the Soviet captain to return the defector. And he added: "My intentions are to return defector to custody of Soviet vessel. . . . Am getting underway at this time." [15]

It was not, however, until 11:50 P.M. that Simas Kudirka was returned. And the *Vigilant* did not get underway until midnight.

The final act was played out on the *Vigilant*. The Subcommittee's report states:

> The Soviet captain presented a written request for Kudirka's return in which he followed the common Soviet ploy of accusing Kudirka of criminal conduct, alleging that he had stolen 3,000 rubles from his safe. The implication was that Kudirka was a common thief. Commander Eustis could not convince Kudirka that he should return nor could the Soviet captain. Several of the U.S. civilians on the *Vigilant*, as well as some junior officers, suggested that Kudirka be brought to the United States. One of the civilians even attempted to call the State Department. The Soviet captain attempted to call his embassy. In his last conversation with Captain Brown at 10:50 P.M., Commander Eustis described the tense situation on the *Vigilant*. Captain Brown interrupted: 'You have your orders. You have no discretion. Use whatever force is necessary. Do not let any incident occur.'
>
> Given Kudirka's resistance, force was required and an incident was inevitable. The only option open to Commander Eustis was whether his crew or the Soviet crew should use force. He chose the latter course for three reasons: (1) he felt that adverse publicity could result from the use of Coast Guard personnel to forcefully return a defector to the Soviets; (2) if the man went overboard and was lost while Coast Guard men were attempting to return him, they might be accused of allowing him to get away; and (3) Commander Eustis was "concerned with the effect personal participation in the forceful return of the defector would have on the attitude of the crew. . . ."
>
> Five Soviet crew members boarded the *Vigilant* bringing with them a blanket, rope, and a ball of material that they intended to stuff in Kudirka's mouth. Kudirka prepared to fight and gave to Commander Eustis the few personal effects he had brought with him. Included in these were his identification card and a photo of his wife. Action moved to the *Vigilant* as Kudirka was thrown into a small boat. One of the Soviet crew sat on his head while another beat him. From the boat he was thrown into a net lowered from the Soviet ship. His bid for freedom was over.[16]

This is the record, the quintessence of the congressional investigation. It bears some comment.

The record notes the fact that "the only option open to Commander Eustis was whether his crew or the Soviet crew should use force. . . ." [17] He chose the latter for three rather strange reasons: (1) he was afraid of adverse publicity if the American Coast Guard personnel would have forcefully returned Kudirka; (2) if Kudirka jumped and drowned they might be accused of being guilty of his death; and (3) Commander Eustis was "concerned with the effect any personal participation in the forceful return would have on the crew." [18]

Not one of these "reasons" holds water.

If Commander Eustis was afraid of adverse publicity, in case the American crew returned Kudirka by physical force, why was he not afraid of any adverse publicity if he and his crew allowed the Soviets to beat Kudirka unconscious, to bind and gag him and then return him in an American boat with American sailors on board? Did he expect any favorable publicity for this performance?

The record shows that a tremendous outcry went through the United States from the President on down when it became known—after the unsuccessful attempt by Commander Eustis to hush it up—that the Coast Guard allowed the Soviets to commit this crime, and by doing so became accomplices to it.

Commander Eustis' fear of being accused of having caused the death of Kudirka if he had jumped and died in the water may have been justified. But was he equally afraid of being accused if Kudirka had died while in the hands of his Soviet masters to whom he delivered him? Obviously, this never occurred to Mr. Eustis.

As for the third "reason," Eustis' concern with the effect on his crew in case the Coast Guard subdued Kudirka and then handed him over to the Russians, the same holds true. Allowing the Soviets instead to capture Kudirka on the *Vigilant*, to beat and gag him before he was thrown from the boat in the net, must have had exactly the same effect on the American crew. It certainly left a horrifying impress which will plague the *Vigilant's* crew for the rest of their lives. They are most certainly aware that they functioned as accessories in a crime for which nobody was punished.

The idea that Eustis had no choice and that his only option was whether the Americans or the Soviets should capture Kudirka is wrong, and again shows the tragic lack of imagination and awareness of what we taught the world at the Nuremberg war crime trials. Commander Eustis certainly had another option: to protect Kudirka and to prevent the Soviets from kidnaping him in contradiction to the unlawful orders from Admiral Ellis and his chief of staff, Captain Brown. If he had disregarded the orders of Admiral Ellis—who was not even on duty and in no position to give any orders—and if he had saved Kudirka, he would have been the hero of the day and would rightfully have earned the gratitude of the nation. The President might well have decorated him. But Eustis did not remember the Nuremberg lesson and did not know the principle laid down in the American military code of justice, according to which every officer and every enlisted man has not only the right, but the duty to disobey orders from superiors if these orders are of a criminal character. To disregard these orders was Commander Eustis' duty. To allow the Soviets to commit the crime on an American ship was tantamount to committing it himself.

Although President Nixon's clearly expressed outrage and his promise that "it should not happen again" [19] was gratifying and supported by the American people, it was not enough. In view of the demonstrations from New York to San Francisco, such a promise was to be expected. But the people expected more than just outrage and protest. They expected deeds. Since Kudirka was not, in view of American law, a Soviet citizen, the President should have demanded his immediate return; and he should further have told the Soviets that if they did not return Kudirka, the fishing agreement would be abrogated. President Nixon should also have ordered the F.B.I. to arrest some of the Soviet spies disguised as international civil servants at the U.N. Secretariat, and well known to the Bureau, for possible exchange for Kudirka. This was the least President Nixon could have done to save Simas Kudirka, uphold American honor,

and to restore justice. Furthermore, the President should have ordered the Coast Guard authorities to court-martial Admiral Ellis, Captain Brown, and the *Vigilant's* Commander Eustis.

When the Voice of America broadcast the Kudirka story, it stressed three points: (1) the United States had bungled; (2) U.S. policy for political defectors has not changed; (3) the real substance of the incident is what it reveals about freedom in the Soviet Union and the countries it occupies.[20]

The last statement blurs the issue. The real substance of the incident is by no means what it reveals about freedom in the Soviet Union and the countries it occupies, since these "revelations" are old hat today. More than half a century of Soviet history has "revealed" all on this subject.

What the Kudirka case reveals is nothing new about the Soviet Union but instead the fact that freedom, international and domestic law, and the sacred right of asylum, could still be violated and abandoned by the United States of America in the Year of Our Lord 1970.

On May 27, 1971, the Associated Press carried a report from Moscow which read as follows:

> Moscow (AP)—Simas Kudirka, the Soviet sailor who was refused asylum by the U.S. Coast Guard last November, has been sentenced to 10 years in a prison camp, a court official in Soviet Lithuania said today.
>
> The Lithuanian Supreme Court convicted Kudirka of treason last week, the court spokesman said in a telephone conversation from Vilnus, the Lithuanian capital.
>
> He refused to give any details of the trial. But a 10-year sentence for treason is comparatively light.[21]

The crime committed against the Lithuanian seaman, a non-Soviet citizen, is just the latest example of Operation Keelhaul, the forced repatriation of hundreds of thousands, maybe even more than one million anti-Stalinists by the British, American and French military authorities, a forced repatriation which was—as we shall see—a gross violation of international law and of everything for which America stands, especially of the time-honored American tradition of ready asylum for political exiles.

Operation Keelhaul began in 1944, months before the Yalta agreement on the exchange of prisoners of war and displaced persons was signed.

To evaluate the magnitude of this classical crime against humanity—according to the Nuremberg principles for which the Nazi war criminals were hanged—we have to delve into international law, which does not

recognize forced repatriation of prisoners of war and civilian displaced persons. Moreover, we have to revive the historical record itself to show the reader how forced repatriation was carried out and to point out, so far as possible, who the perpetrators of this crime were. That is exactly the subject of this book.

2 International Law and Forced Repatriation

In order to fully comprehend the purely human dilemma of forced repatriation—a tragic drama of suffering and bloodshed *on our own shores* as well as abroad—it is necessary first of all to review the historical, political, and legal aspects. The ensuing three chapters, therefore, are intended to serve as backdrop against which the agonies of individuals as well as of great numbers of persons were acted out during and after World War II. Only with this understanding can the enormity of America's role in Operation Keelhaul be understood. For the United States to have played any role in it is perhaps the most astounding fact of all.

International law does not recognize the concept of forced repatriation of prisoners of war and displaced persons. It derives from only two sources: prescriptive—or established—right and the international conventions, treaties and agreements. There is no evidence that prescriptive right ever condoned forced repatriation.

Neither the Hague Convention of 1899 nor that of 1907 provides for forced repatriation. But both Hague Conventions contain an identical Article 4, dealing with the treatment of prisoners, which reads: "They must be humanely treated."

The Geneva Convention of 1929, which was in force during World War II, does not provide for forced repatriation. The spirit of this Convention is expressed in its Article 2: "Prisoners of war . . . shall at all times be humanely treated and protected, particularly against acts of violence, from insults and from public curiosity. . . . Measures of reprisal against them are forbidden."

The latest Geneva Convention Relative to the Treatment of Prisoners of War, of 1949, not only does not recognize the concept of forced repatriation, but it is actually the first convention which expressly prohibits it, at least so far as "sick" or "injured" prisoners are concerned. Its article 109 reads:

> No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this article, may be repatriated against his will during hostilities.

And Article 12 of the Geneva Convention of 1949 states:

> Prisoners of war must at all times be humanely treated. . . .
> Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. . . .
> Measures of reprisal against prisoners of war are prohibited.

It is this overriding consideration of humaneness, precluding any forced repatriation, which has been considered the very foundation of both Geneva Conventions of 1929 and of 1949.

Nevertheless, it is regrettable that neither the Hague nor the Geneva conventions contain any provisions explicitly forbidding forced repatriation of prisoners of war and displaced persons. While there can be no doubt about the true spirit of the conventions, the lack of an outspoken prohibition of forced repatriation led to different interpretations.

The international practice after World War I shows that no prisoners of war were forcibly extradited to their countries of origin. At that time, the problem arose only between certain powers and Soviet Russia.

From 1918 to 1921, the Soviets signed twenty-seven international treaties and agreements concerning the repatriation of prisoners of war and civilians. All were based upon the principle of voluntary repatriation only and contained almost identical clauses explicitly precluding any forced repatriation.

The first treaty concluded between the Central Powers and the R.S.F.S.R. (Russian Socialist Federal Soviet Republic) which dealt with the problem of repatriation of prisoners of war was the treaty of Brest-Litovsk, signed on March 3, 1918, and ratified at Berlin on March 29, 1918. Article XVII of the "Legal-Political Treaty Supplementary to the Treaty of Peace" deals with the Exchange of Prisoners of War and Interned Civilians:

> 1. Prisoners of war of both Parties will be released into their homeland, in so far as they do not, with the consent of the capturing state, desire to remain within the latter's territory or betake themselves into another country. . . .

Article XVIII, dealing with the repatriation of civilian persons or "displaced persons," states:

> 1. The interned or deported civilian nationals of both Parties will be conveyed home as soon as possible and without expense, in so far as they do not desire, with the consent of the state in which they sojourn, to remain within the latter's territory or to betake themselves into another country.

And Article IV of the Agreement Regarding the Repatriation of Prisoners of War and Civilians between Hungary and the R.S.F.S.R. and the Uk.S.S.R. (Ukrainian Socialist Soviet Republic) of May 21, 1920, reads:

> Repatriation ought not to be enforced; it is left to the free choice of the prisoner to return to his homeland, in agreement with the present Treaty or to remain in the country in which he resides at present, with the agreement of the Government of that country. This free expression of will may be established by the representatives of the two countries or expressed in written form by the prisoner. . . .

Analogous clauses, prohibiting forced repatriation, can be found in every single one of the remaining twenty-five international treaties and agreements, signed by the Soviets and Western powers after World War I.

In the late twenties, the problem of Russian and Armenian refugees became acute. What was the international law and practice concerning these refugees?

On June 30, 1928, the Arrangement Relating to the Legal Status of Russian and Armenian Refugees was signed at Geneva. Article 7 states:

> It is recommended that measures for expelling foreigners or for taking other such action against them be avoided or suspended in regard to Russian and Armenian refugees in cases where the person concerned is not in a position to enter a neighboring country in a regular manner.

While the language of this Geneva arrangement cannot be called very strong, its intention was clear. Forced repatriation was out of the question. The West generally honored the spirit of the arrangement. No refugees of Russian or Armenian origin were forced to go back.

Five years later, on October 28, 1933, another Convention Relating to the International Status of Refugees was signed. "Applicable to Russian, Armenian and Assimilated Refugees," it explicitly precluded any forced repatriation. Article 3 contains the following provision:

> Each of the Contracting Parties undertakes not to remove or keep from its territory by application of police measures, such as expulsions or non-admittance at the frontier (*refoulement*), refugees who have been authorized

to reside there regularly, unless the said measures are dictated by reasons of national security or public order. . . . It undertakes in any case not to refuse entry to refugees at the frontiers of their countries of origin.

This stipulation is of special interest because it is the one instance in which states obliged themselves not to refuse entry to bona fide refugees, meaning those fleeing from persecution and oppression. It is a rather exceptional instance. As Manuel R. García-Mora, the great authority on the law and tradition of asylum pointed out, this provision "can be logically construed as implying a limitation on the power of states to admit aliens, and it was because of such an implication that Great Britain declined to accept it." [22]

Then came the wave of refugees from Hitler's Third Reich. The international community responded by enacting the Provisional Arrangement concerning the Status of Refugees coming from Germany, signed at Geneva on July 4, 1936.

Article 4, section 2 of this Geneva Convention reads as follows:

> Without prejudice to the measures which may be taken within the country, refugees who have been authorized to reside in a country may not be subjected by the authorities of that country to measures of expulsion or be sent back across the frontier unless such measures are dictated by reasons of national security or public order.

Still another convention relating to the refugees from Hitler–Germany was signed at Geneva on February 10, 1938. Known as the "Convention concerning the Status of Refugees coming from Germany," it contains the identical provision as the Convention of July 4, 1936.

The Geneva Convention Relating to the Status of Refugees, signed by the United Nations on July 28, 1951, and acceded to by the United States on October 16, 1968, contains several provisions limiting the power of extradition of refugees. Thus, Article 32, section 1, of the U.N. Convention states that "the contracting parties shall not expel a refugee, lawfully in their territory, save on grounds of national security or public order." And Article 33, section 1, provides: "No contracting state shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

In the meantime, the U.N. General Assembly adopted a resolution on February 12, 1946, which reads in part as follows:

> The General Assembly . . . recommends to the Economic and Social Council that it take into consideration in this matter the following principles:
>
> (ii) No refugees or displaced persons who have finally and definitely, in complete freedom, and after receiving full knowledge of the fact including adequate information from the governments of their countries of origin, expressed valid objections to returning to their countries of origin and who do not come within the provisions of paragraph (d) below shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body may be recognized or established as a result of the report referred to in paragraphs (a) and (b) above, except in cases where the government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection.

This resolution is typical of many passed by the General Assembly. They are products of endless compromises and drafts, watering down the original idea. The resolution proclaims a humanitarian principle: voluntary repatriation only. But at closer examination, its provisions do not really guarantee the right of asylum. Although a U.N. Resolution has, of course, no legally binding power, this one "forbids" forced repatriation of a refugee. This in itself is some progress.

Another U.N. Resolution, passed in the wake of the Korean War on December 3, 1952, finally proclaimed that "force shall not be used against prisoners of war to prevent or effect their return to their homelands and no violence to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever."

The problem of forced repatriation which is, of course, the problem of the right of asylum, has also been dealt with in constitutional law. It has been codified in many constitutions of European and other countries. Those constitutions grant the right of asylum to refugees–at least on paper. The constitutions of two countries may be quoted as examples.

The French Constitution of 1946 proclaims in its preamble that "anyone persecuted because of his activities in the cause of freedom has the right of asylum within the territory of the Republic."

The Italian Constitution of 1947 states in Article 10: "The foreigner who is denied in his own country the effective exercise of democratic freedoms provided for by the Italian Constitution has a right of asylum in the territory of the Republic in accordance with the provisions of law."

This provision, both in the French and in the Italian constitutions, is almost unique in modern constitutional law. It assures the individual of

his right of asylum—at least on paper. Consequently, a political refugee, denied this right, can sue the state. However, this constitutional provision has been violated by the Italian government, especially in the case of Yugoslav refugees.

A similar guarantee of the right of asylum has been written into the Constitution of the Federal Republic of Germany, whose Article 16 stipulates: "The politically persecuted shall enjoy the right of asylum." * But Germany, too, belongs to those nations which have already violated their constitutions by forcibly repatriating political refugees.

The constitutions of Latin American countries tend to recognize the right of political asylum, expressly or implicitly.

Pre-Castro Cuba (Constitution of 1940, Article 31) "offers and recognizes the right of asylum for political refugees."

The Constitution of Brazil (1946, Article 33) explicitly states that "Extradition of a foreign subject shall not be granted for political crimes or crimes of opinion. . . ."

El Salvador (Constitution of 1950, Article 153) proclaims the same right, adding that, "Extradition may not be stipulated with respect to Salvadoreans on any grounds whatever, nor with respect to foreigners for political offenses, even if a common crime has resulted therefrom."

Costa Rica (Constitution of 1949, Article 31) recognizes the right of asylum to political refugees, with the additional guarantee that even if political refugees should be expelled on legal grounds, "they shall never be sent back to the country where they were persecuted."

Haiti (Constitution of 1950, Article 29) guarantees the right of political asylum and goes beyond by proclaiming in Article 30 that "Extradition will neither be granted nor requested for political matters." This provision in the Haitian Constitution seems to be unique in constitutional law because it obliges the state not only to grant the right of asylum to political refugees but also to respect the same right concerning its own political offenders who flee to a foreign country. Haiti renounced by this provision any rightful claim for the return of its own offenders whose forcible repatriation cannot even be requested.

The Constitutions of Mexico (1917, Article 11), Uruguay (Article 37), Peru (1933, Article 67), Argentina (Article 31), and Paraguay (1940, Article 36) do not explicitly guarantee the right of political asylum, but they insist so clearly on the freedom of entry, residence, and departure for foreigners, as well as their equality with citizens in matters of civil

* All quotations from the constitutions referred to in this chapter are taken from A. J. Peaslee, *Constitutions of Nations*, three volumes, 1956.

rights, that the right of political asylum can be considered as implicitly recognized.

What, then, about the right of asylum to political refugees in the constitutions of Communist countries?

In marked contrast to the liberal trend in the constitutions of the free world, the constitutions of Communist countries offer the right of asylum only to a special category of refugees, namely Communists persecuted in other countries. But they close their doors to any other kind of refugees.

As García-Mora, who has paid special attention to the problem of the right of asylum in Communist countries, goes on to say:

> The upshot of the matter is, therefore, that any persecution which is not considered to be in conformity with these interests and policies (the interests and policies of the Communist bloc) would have no protection whatever and asylum would be accordingly denied. Thus, there can be little doubt that under the constitutional provisions of the countries behind the Iron Curtain, the right of asylum is considerably restricted thereby depriving the institution of much of its significance and strength.

The Soviets also tried—unsuccessfully—to water down Article 14 of the Universal Declaration of Human Rights. This Article reads: "Everyone has the right to seek and enjoy in other countries asylum from persecution."

The Soviet delegate pushed hard for a diluted substitute version: "The right of asylum is guaranteed to all persons persecuted in connection with their activity in defense of the interests of democracy or for their scientific activity or for their participation in the struggle for national liberation." *

After the delegates from Uruguay, Chile and Mexico pointed out that such a restriction could not be accepted because it did not account for all the many other forms persecution could assume, the Soviet proposal was defeated.

This brief survey of modern international law and international practice concerning repatriation of prisoners of war and political refugees clearly shows the trend of the free world in favor of granting asylum to

* This proposed Soviet version corresponds almost exactly to Article 129 of the Constitution of the Union of Soviet Socialist Republics (U.S.S.R.) of 1936 which reads: "The U.S.S.R. affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation."

those who do not want to return to their countries of oppression and tyranny. Only if we comprehend this overwhelming disposition to guarantee the right of asylum in constitutional instruments as well as in international law or quasi-law (U.N. declarations and resolutions) can we understand the magnitude of the violation of this principle which occurred during and after World War II, when American, British, and French authorities forcibly repatriated millions of anti-Stalinist refugees to death and slave labor camps.

Why did the allies commit this crime against humanity? There are several key reasons for the different treatment of prisoners of war and interned civilians after World War I and after World War II. After World War I, there were many thousands of prisoners and displaced persons on Soviet territory who were either Communists or strong sympathizers. Many of them had already been sympathetic to Lenin and his teachings when they had arrived on Soviet territory, many hated the Central Powers and had voluntarily surrendered to Russian armies when the latter were still under Czarist rule. This was especially true of the Czechs, Slovaks, and other Slavic peoples who came from the Austrian–Hungary monarchy.

They, as well as other large segments of prisoners of war on Russian soil, were subject to Soviet indoctrination during and after World War I. It was obviously in the interest of the Soviets to keep the pro-Communist prisoners within the boundaries of Soviet Russia. The Soviets could indoctrinate them and use them later as revolutionaries in their home countries. On the other hand, the young and still very weak Soviet regime was not at all eager to get back the anti-Communist prisoners of war and displaced persons in Western countries. They would constitute a threat to the Soviet regime. Many of the Russian prisoners in the hands of the Central Powers, especially the Russian officers, were still faithful adherents of the Czar. Some of them decided to go back to Russia in order to work for the overthrow of the Soviets. The large majority, however, decided to stay in the West and to wait for the downfall of Lenin and his regime. They stayed—unless they were forcibly returned by the Allies after World War II—for over a quarter of a century!

After World War II, the situation had completely changed. Now, the Soviet Union was strong. It was the victorious power which had nothing to fear from returned anti-Communist prisoners of war who were in the hands of the Western allies, the Americans, the British, and the French. What it had to fear was the opposite, that the very refusal of those people to return to the U.S.S.R. would be a heavy propaganda and prestige blow

against Communism and that it would create a permanent anti-Communist force in the free world. Therefore, Stalin proclaimed them traitors and insisted on their forced repatriation in order to punish them and to "teach a lesson" to the anti-Communists.

From their viewpoint, the Soviets had assumed the only correct attitude, corresponding to their interests. It is the stand of the Allies which defies reason. They were Stalin's allies, but they were morally and legally bound by the tradition of ready asylum to political exiles, as well as by the complete absence in international law of any provision allowing forced repatriation. Therefore, compliance with Stalin's desire to lay his hands on the anti-Stalinist prisoners of war and displaced persons, and the repatriation of millions of human beings to a regime which could only mean death or a life of torture in Siberian slave labor camps, amounted to a war crime, a crime against humanity.

The diplomatic document upon which the Allies' repatriation program was officially based is the Yalta Agreement Between the United States and the Soviet Union Concerning Liberated Prisoners of War and Civilians. (The British concluded an identical agreement with the Soviets, and General De Gaulle approved a similar one when he visited Moscow in 1944.) It was signed at Yalta on February 11, 1945, by Major General John R. Deane, of the United States, and by Lieutenant General Gryzlov, of the Soviet Union. This document served as the basic instrument of post-World War II repatriation.

3 The Yalta Agreement

The desire of the Western Allies not to displease Stalin at the conclusion of World War II was apparently so strong that nobody in Washington nor in the other capitals of the Western Allies remembered the humanitarian principles which governed the repatriation policy after the end of hostilities.

At the basis of their actions is the Yalta Agreement, which reads:

AGREEMENT RELATING TO PRISONERS OF WAR AND CIVILIANS LIBERATED BY FORCES UNDER SOVIET COMMAND AND FORCES OPERATING UNDER UNITED STATES OF AMERICA COMMAND

The Government of the United States of America on the one hand and the Government of the Union of Soviet Socialist Republics on the other hand, wishing to make arrangements for the care and repatriation of United States citizens freed by the forces operating under Soviet command and for Soviet citizens freed by forces operating under United States command, have agreed as follows:

Article 1: All Soviet citizens liberated by the forces operating under United States command and all United States citizens liberated by the forces operating under Soviet command will, without delay after their liberation, be separated from enemy prisoners of war and will be maintained separately from them in camps or points of concentration until they have been handed over to the Soviet or United States authorities, as the case may be, at places agreed upon between those authorities.

United States and Soviet military authorities will respectively take the necessary measures for protection of camps, and points of concentration from enemy bombing, artillery fire, etc.

Article 2: The contracting parties shall ensure that their military authorities shall without delay inform the competent authorities of the other party regarding citizens of the other contracting party found by them, and will at the same time take the necessary steps to implement the provisions of this agreement. Soviet and United States repatriation representatives will have the right of immediate access into the camps and points of concentration where their citizens are located and they will have the right to appoint the internal administration and set up the internal discipline and management in accordance with the military procedure and laws of their country.

Facilities will be given for the dispatch or transfer of officers of their own

nationality to camps or points of concentration where liberated members of the respective forces are located and there are insufficient officers. The outside protection of and access to and from the camps or points of concentration will be established in accordance with the instruction of the military commander in whose zone they are located, and the military commander shall also appoint a commandant, who shall have the final responsibility for the overall administration and discipline of the camp or point concerned.

The removal of camps as well as the transfer from one camp to another of liberated citizens will be effected by agreement with the competent Soviet or United States authorities. The removal of camps and transfer of liberated citizens may, in exceptional circumstances, also be effected without preliminary agreement provided the competent authorities are immediately notified of such removal or transfer with a statement of the reasons. Hostile propaganda directed against the contracting parties or against any of the United Nations will not be permitted.

Article 3: The competent United States and Soviet authorities will supply liberated citizens with adequate food, clothing, housing and medical attention both in camps or at points of concentration and en route, and with transport until they are handed over to the Soviet or United States authorities at places agreed upon between those authorities. The standards of such food, clothing, housing and medical attention shall, subject to the provisions of Article 8, be fixed on a basis for privates, non-commissioned officers and officers. The basis fixed for civilians shall as far as possible be the same as that fixed for privates.

The contracting parties will not demand compensation for these or other similar services which their authorities may supply respectively to liberated citizens of the other contracting party.

Article 4: Each of the contracting parties shall be at liberty to use in agreement with the other party such of its own means of transportation as may be available for the repatriation of its citizens held by the other contracting party. Similarly each of the contracting parties shall be at liberty to use in agreement with the other party its own facilities for delivery of supplies to its citizens held by the other contracting party.

Article 5: Soviet and United States military authorities shall make such advances on behalf of their respective governments to liberated citizens of the other contracting party as the competent Soviet and United States authorities shall agree upon beforehand.

Advances made in currency of any enemy territory or in currency of their occupation authorities shall not be liable to compensation.

In the case of advances made in currency of liberated non-enemy territory, the Soviet and United States Governments will effect, each for advances made to their citizens, necessary settlements with the Governments of the territory concerned, who will be informed of the amount of their currency paid out for this purpose.

Article 6: Ex-prisoners of war and civilians of each of the contracting parties may, until their repatriation, be employed in the management, maintenance and administration of the camps or billets in which they are situated. They may also be employed on a voluntary basis on other work in the vicinity of their camps in furtherance of the common war effort in accordance with agreements to be reached between the competent Soviet and United States authorities. It is understood that liberated members of the respective forces will be employed in accordance with military standards and procedures and under the supervision of their own officers.

Article 7: The contracting parties shall, wherever necessary, use all practicable means to ensure the evacuation to the rear of these liberated citizens. They also undertake to use all practicable means to transport liberated citizens to places to be agreed upon where they can be handed over to the Soviet or United States authorities respectively. The handing over of these liberated citizens shall in no way be delayed or impeded by the requirements of their temporary employment.

Article 8: The contracting parties will give the fullest possible effect to the foregoing provisions of this Agreement, subject only to the limitations in detail and from time to time of operational, supply and transport conditions in the several theatres.

Article 9: This Agreement shall come into force on signature. Done at the Crimea in duplicate and in the English and Russian languages, both being equally authentic, this eleventh day of February, 1945.

For the Government of the United States of America John R Deane Major General, U.S.A.	For the Government of the Union of Soviet Socialist Republics Lieutenant General Gryzlov [23]

The defenders of forcible repatriation of anti-Stalinist prisoners of war and displaced persons are always referring to the Yalta Agreement as providing the basis for it. How justified is this claim?

The fact is that the Yalta Agreement contains no reference whatsoever to the use of force for the purpose of repatriating prisoners of war and civilians who do not want to be repatriated. So, clearly, there was no legal basis to justify the procedure of forced repatriation.

However, the text of the Yalta Agreement makes it equally clear that the return of former prisoners of war and civilians is taken for granted. Various provisions are worded so as to make it appear that repatriation itself was the only problem to be solved—regardless of how, voluntarily or forcibly! The Yalta Agreement speaks of detaining the prisoners of war and civilians in camps "until they are handed over;" Soviet official rep-

resentatives will "have the right of immediate access into the camps" and the right to appoint the internal administration and establish internal discipline in them; the "protection" and "access to and from the camps" will be organized and controlled; "hostile propaganda against the contracting parties . . . will not be permitted;" the "handing over of these liberated citizens shall in no way be delayed or impeded," etc.

While the provisions applied formally to both contracting parties, the U.S. and the Soviet Union, it is clear that they were precisely made to fit Soviet needs. It was in the interest of the U.S.S.R. not to raise the question of voluntary or forced repatriation, but to consider repatriation strictly as an organizational problem, leaving the use of force to the contracting parties as a matter of domestic concern.

It is the Western Allies who should have raised the question of forced repatriation. They did not raise it. Moreover, they tacitly accepted the Soviet interpretation and implemented it. That is the source of the tragedy of forced repatriation, which affected not only Soviet prisoners of war, but millions of displaced persons, including women and children.

The desire not to displease Stalin apparently dominated the decisions made by the Western Allies. This is not a matter of personal opinion, but of objective record.

As early as September 27, 1944, the U.S. Secretary of State, Cordell Hull, had sent a communication to the Office in Charge of the American Mission in the United Kingdom. This Top Secret communication contained a copy of the "Directive to SCAEF regarding the Military Government of Germany in the Period Immediately Following the Cessation of Organized Resistance (Post Defeat)." It was prepared by the War and State Departments and concurred in by the Treasury Department, thus clearly bearing the stamp of the Roosevelt Administration.

It was this directive which was circulated to the Joint Chiefs of Staff as the famous "J.C.S. 1067" and which served as the basis upon which the final directive to General Eisenhower was issued in April 1945.

The directive to SCAEF contained an Appendix A, entitled "Political Directive," from which the following two paragraphs are quoted:

> You will search out, arrest, and hold, pending receipt by you of further instructions as to their disposition. . . . The following is a list of the categories of persons to be arrested. . . .
>
> (h) Any national of any of the United Nations who is believed to have committed offenses against his national law in support of the German war effort. . . .

This provision is interesting in relation to the forced repatriation of General Andrei Andreevich Vlasov, the members of his Russian Liberation Army and the 850,000 Soviet prisoners and volunteers, etc., who counted themselves among his adherents. The Vlasov soldiers, having gone over to the other side to save their country from Stalin, had been captured in German uniforms. Thus not a single one wanted to go back to Stalin's empire, where only death and slave labor camps awaited them. (Because the scarcely-to-be-believed story of General Vlasov, one of the most "successful" and ultimately "tragic" figures in Russian military history, so graphically illustrates the thesis—is, in fact, the substance—of this book, I shall deal in detail with the man and his role in Chapter 5.)

As we shall see later, the Vlasov people had certainly "committed offenses against Soviet national law in support of the German war effort." The fact itself is undisputable. The question is, could this justify the forced repatriation of almost one million Soviet soldiers who had either served under General Vlasov or considered themselves as his adherents as Russian prisoners of war in German—and, later, American—prisoner of war camps? As far as General Vlasov and his General Staff and leading officers were concerned, there could not have been the slightest doubt in American minds that they would be hanged in Moscow, a fact which came true on August 2, 1946.

There is no need to demonstrate that the forced repatriation of non-Vlasov prisoners in German POW camps, taken over by the Americans and the British, was illegal and utterly inhuman, contrary to every civilized rule of war. As for the forcible repatriation of Vlasov and his men, it must be considered illegal in the light of the many reasons which follow.

The Vlasov troops tried to surrender to the West before the end of hostilities on May 8, 1945, or, to be exact, May 7, the day the shooting virtually ended. Many of them had become prisoners of the Americans and British when they were captured in the West long before V-E Day. They were captured in German uniforms and, therefore, according to the Geneva Convention of 1929, were to be treated as German prisoners of war.

The Vlasov soldiers, as well as untold thousands of Russian soldiers who did not officially belong to General Vlasov's army, surrendered to the Americans (and smaller parts of them to the British and the French) upon the explicit invitation of the West. This invitation to surrender to the Americans, for instance, was extended through millions of American leaflets dropped in the West and all over Germany.

About 90 percent of all prisoners taken in the West were found to be in possession of Allied leaflets. This is not surprising, since approximately six billion leaflets were dropped over the European continent by aircraft based in the United Kingdom from September 3, 1939, until the unconditional surrender of Germany on May 7, 1945. The largest part of these leaflets invited the enemy, including Vlasov and non-Vlasov Soviets, to surrender to the West, which solemnly promised good treatment, in accordance with the Hague and Geneva Conventions.

The American leaflet operation was under the direction of Brigadier General Robert A. McClure, Chief, Psychological Warfare Division, SHAEF. With General McClure therefore rests the main responsibility for the American operation, which was a complete success.

Soon after the German unconditional surrender, General McClure ordered a report on the leaflet campaign. It was submitted to him on July 2, 1945. This official ("restricted") report by the Psychological Warfare Division ("Psy War") was titled, "Leaflet Operation, Western European Theatre," a copy of which is now in possession of the Hoover Institution on War, Revolution and Peace, Stanford University.

This official document leaves no doubt that the American leaflet denounced as lies the Nazi propaganda that Soviet nationals fighting or not fighting with the Germans would ultimately be forcibly repatriated to the Soviets if they ever surrendered or deserted to the Americans.

The report states on page 15:

> (5) Geneva Convention. Our adherence to the Convention, and the strict observation of its provisions in Canada and the United States, proved to be a great asset and was exploited throughout the campaign. Insistence on our observation of Article 75 of the Convention was an especially useful weapon in countering German claims that prisoners would be shipped to Russia.

This statement is of special interest in the context of our study. It shows:

1) That, in millions of leaflets, we countered the German assertion that Russian prisoners would be forcibly repatriated by the British or the Americans.

2) That U.S. military authorities were well aware of the illegality under international law of forced repatriation of Soviet prisoners captured in German uniforms, and that the whole leaflet propaganda action was aimed at convincing the Russians among the German armed forces that the United States would never carry out such forced repatriation to the U.S.S.R.

3) That, at the time the Leaflet Report was delivered, on July 2, 1945, high ranking American military authorities had already forcibly repatriated General Vlasov and his staff, the Generals and Colonels Trukhin, Boyarsky, Zakutny, Meandrov, Maltsev, Malyshkin, and Zhilenkov.

It is thus evident that the official Leaflet Report submitted to General McClure misrepresented the truth. It did not mention the fact that in June, 1944, General Eisenhower had already started the American Operation Keelhaul, even while General McClure's Psychological Warfare Division was still busy dropping millions of leaflets denying the German assertion that the U.S. would forcibly repatriate Soviet nationals.

The question of forced repatriation, as opposed to the voluntary repatriation of prisoners of war, was first raised on September 16, 1944, by Alexander C. Kirk, the United States Political Adviser on the Staff of the Supreme Commander, Mediterranean Theater, in the following cable to Secretary of State Cordell Hull:

> According to information received at AFHQ (Allied Force Headquarters) from War Office in London, an agreement has now been reached with the Soviet Government for repatriation of Soviet citizens now or in future held as prisoners of war in Mid East irrespective of whether the individuals desire to return to Russia or not. Statements will not be taken from Soviet nationals in future as to their willingness to return to their native country. Mid East has received instructions from London to implement this agreement and arrange as soon as possible for transfer of these persons to Tehran. Macmillan [Harold Macmillan, then British Minister Resident at Allied Force Headquarters, later Prime Minister] is apparently receiving instructions to this effect from the Foreign Office.[24]

This cable shows that the British Government concluded a secret agreement—until today unpublished!—with the Soviet Government on forced repatriation of Soviet prisoners of war, irrespective of whether they were captured in Russian or German uniforms, six months before the Yalta Agreement on the exchange of prisoners of war and liberated civilians was signed.

One day later, on September 17, 1944, Kirk followed up his cable to the Secretary of State by a second one in which he stated:

> I assume Department is considering advisability of assuring itself of the nature of methods which may be applied in compelling those Russian prisoners of war, who under previous arrangements were given option of retaining prisoner of war status, to return to Russia, especially in view of fact

that I understand some were taken by our forces and delivered to British under arrangement whereunder that option prevailed.[25]

Translated from Kirk's circuitous diplomatic language into plain English, the message intended to inform the Secretary of State what the British-Soviet agreement meant in terms of humanitarian principles. He also wanted Hull to know that the British-Soviet agreement was a complete reversal of the hitherto prevailing principle of "voluntary repatriation." [26]

In September 1944, the U.S. Ambassador to the Soviet Union, W. Averell Harriman, expressed his doubts, however veiled, about the British-Soviet Forced Repatriation Agreement, which apparently induced the United States Government ultimately to yield and sacrifice its own adherence to international law and humanitarian principles. In a cablegram to Secretary Hull, Harriman reported that the British ambassador in Moscow had received a copy of a telegram, dated September 14, 1944, from the Foreign Office to the British Resident Minister in Cairo. In the message, Lord Moyne, the British Deputy Minister of State in Cairo, "was informed that so far as the Middle East was concerned, all Soviet nationals held there as prisoners of war would be delivered to the Soviet authorities whether the individuals concerned desired to be repatriated or not." [27]

Harriman obviously entertained doubts regarding a policy of forced repatriation and asked for a clarification about the U.S. point of view:

> Meanwhile I would appreciate further enlightenment as to the exact nature of the policies established by the Combined Chiefs of Staff which is not clear to me from the Department's telegram. Does this mean that the Combined Staff propose to have Russians taken as German prisoners, delivered to the Soviet authorities against their will? If so what is the meaning of their statement that the purpose of their policy is to avoid risk of reprisals? If not how does the British Government come to instruct its Middle East command to deliver prisoners of war to the Soviet authorities whether they desire to be repatriated or not? [28]

While Harriman's protest was mildly worded, it was apparent that he considered the new procedure to be a violation of international law, as well as of the time-honored British-American tradition of ready asylum for political exiles.

The record does not show any other American protest against the bilaterally concluded British-Soviet Forced Repatriation Agreement. If there was one, it has not been published.

The British fear of Soviet "reprisals" which was, as we shall see, fully shared by the Americans, was based on the fact that thousands of German refugees fought against Hitler's Third Reich in British and U.S. ranks. Both countries feared that those German nationals captured by the Germans in British and American uniforms, and many of them later liberated by the Red Army, might not be treated by the Soviets according to their uniforms as British or American soldiers, but as Germans. In that case, the Soviets, having taken the forbidden look behind the uniform, could have sent them as "German" prisoners of war to those Siberian slave labor camps in which so many German POWs had to linger for more than ten years.

At that time—1944—the British as well as the Americans were also concerned with possible Nazi reprisals. They feared that, if they forcibly repatriated Soviet nationals captured in German uniforms to the Soviet Union, the Nazis would reciprocate by treating British and American prisoners of German nationality, captured in American and British uniforms, not as British and American prisoners of war but as German traitors. This was one of the reasons why some officials in the U.S. Administration wanted to delay forcible repatriation of the Vlasov troops until the end of hostilities when the Nazis would no longer be in a position to enforce any such reprisals. It was such "pragmatism" which, under tremendous British pressure, led our military and civilian authorities to accept the principle of forcible repatriation against the "individual wishes" of those concerned.

It is a matter of historical record that Stalin did commit the crime of forced retention of those prisoners of war desiring to go home by retaining hundreds of thousands of Germans for over a decade. Not until Chancellor Adenauer visited Moscow in 1955 were those prisoners allowed to go home, most of them in poor health, after more than ten years of life in the camps.

Afraid of their own inability to exert enough moral and political pressure upon Stalin to prevent him from committing the crime of forced retention, the British, followed by the Americans, fled into incongruous semantics, calling the potential Stalinist crime of forced retention a "reprisal" against American and British adherence to international law and humanitarian principles. It also did not occur to British and American authorities that they had the power to force Stalin to abide by the Soviets' own "humanitarian principles," as exemplified in the treaties of the

Twenties, simply by retaining Soviet prisoners liberated by the British and Americans who wanted speedy repatriation. Since there were far more Soviet nationals in British and American custody than there were German nationals captured in U.S. and British uniforms in Soviet custody, it cannot be doubted that Stalin would have had to release those forcibly retained in order to get the tremendous mass of regular Soviet prisoners from the Western Allies.

Harriman's question about the "meaning" of their (Combined Chiefs of Staff) statement concerning a policy of avoiding "risks of reprisal" may have been prompted by his ignorance of what was then happening behind the scenes of U.S. diplomacy. He probably did not know that the British military authorities in Washington had prepared a memorandum on September 26, 1944, to the American Special War Problems Division, confirming the fact that the British and Soviet negotiators had already reached--in secret--an agreement on the treatment of Soviet nationals who were in British prisoner of war camps. It provided that release of these individuals "should be contingent upon enlistment in the Russian forces in the United Kingdom." [29] The provision, therefore, was tantamount to announcing to the Soviet prisoners captured in German uniforms by the British and the Americans (many taken by the Americans were shipped to England or Canada) that, in the event of release, they would immediately be shipped back to the Soviet Union by the Soviets and then subject to severe punishment, including execution and deportation to Siberian slave labor camps. Since the British anticipated that a great majority would immediately volunteer for the offered military service with the Soviet forces in the United Kingdom, "it was felt that a final decision as to whether we should insist on the voluntary principle would have to await events. The matter could be reconsidered if any substantial numbers refused to volunteer." [30] As the record will show, neither the British nor the Americans insisted on the "voluntary principle;" instead, they adopted the principle of forced repatriation, so solemnly condemned in many official pronouncements by their governments.

The diplomatic record further shows that the British summarily resolved the problem of repatriation of Soviet citizens captured in German uniforms in favor of forced repatriation, in violation of the spirit of the Geneva Convention of 1929. On October 7, 1944, a month after his first cable on the subject, Kirk dutifully reported from Caserta to the Secretary of State that Macmillan's office had informed him of a report from the Foreign Office in London stating:

> . . . that despite terms of Geneva Convention it is not possible for a soldier captured by his own forces while he is serving (willingly or unwillingly) with enemy forces to claim protection of Convention vis-à-vis his own Government. Foreign Office added that if such a man is captured by an Allied Force, the Allied Government has a right to deliver him unconditionally to his own Government without being held responsible for violation of Convention. Foreign Office stated that in any event, Moscow Government has requested the men to be sent back to Soviet Union for furtherance of war effort or for further service with Red Army and since these men will no longer be treated as prisoners, the Geneva Convention will no longer apply.[31]

As this document shows, the British abolished international law by apodictic declaration. There is no judicial justification of the British dictum. How could they assume the right to change the status of those prisoners captured in German uniforms to that of extraditable criminals? How could they believe for one moment that those forcibly repatriated to the Soviet units in Great Britain would ever be employed by the Red Army for "further service?" They must have known that those Soviet citizens would be treated by the Soviets as "traitors" and "enemies of the people;" that their leaders would be hanged or shot and the masses would be sent to Siberian concentration camps. But in spite of this common knowledge, the decision was made by the Churchill Government.

This was not all. On October 11, 1944, the British Embassy in Washington sent a memorandum to the Department of State hinting at the necessity for domestic psychological-propaganda reasons "to refute" the Soviet arguments and criticism "and to press the Soviet Government to agree to the Allied Forces Act procedure which will give them substantially all they want and more." [32]

On the same page where this British memorandum to the Department of State appears, we also find a U.S. memorandum by Bernard Gufler of the Special War Problems Division to the Chief of the Division of East European Affairs, Charles Bohlen. It informs Bohlen about "the new policy toward Soviet nationals" as secretly enunciated by the British and to be followed by the Americans:

> The new policy toward Soviet nationals differs from the policy hitherto followed with regard to them and with the policy which it is proposed to continue to follow with regard to other Allied nationals. The most notable difference is that no persons claimed by other Allied Governments are delivered to the custody of those Governments against their wills. The adoption of this new policy towards the Soviets will result in the delivery to the Soviet

authorities of persons hitherto withheld from them because they were unwilling to return to the Soviet Union.[33]

The Department of the Army was pressing Gufler for a fast reply from the Department of State. The Army was obviously in full agreement with the British-Soviet agreement regarding the forcible delivery of Soviet citizens captured in German uniforms. It did not have to wait long.

In a memorandum dated October 20, 1944, Bohlen "signified his approval," provided that the United States did not "obligate itself to determine which prisoners of war are Soviet citizens in order to advise the Soviet authorities in this regard." [34] In the same memorandum, Bohlen also suggested that the "claimants" of Soviet citizenship be segregated and the Soviet officials from the Washington Embassy be allowed to interview them!

It seems reasonable to assume that not a single Soviet national captured in German uniform, knowing he would be forcibly repatriated if he ever claimed to be a Soviet national, made such a "claim." Therefore the term "claimant" needs some elucidation. If there were some such "claimants" among the Soviets captured in German uniforms, they most probably had not been informed of the dire consequences of their admission of Soviet nationality, a violation of the spirit, if not the letter, of the Geneva Convention of 1929. More often than not, the expression "claimant" obviously refers to those prisoners of war captured in German uniforms who had been verified as Soviet nationals by Soviet repatriation commissions and by Soviet representatives in England as well as in America. It meant nothing but that Stalin's representatives, who were admitted to POW camps, picked their own victims, and British and American authorities accepted their choice. Those picked by the Soviets as Soviet nationals were then called "claimants" instead of "being claimed by the Soviet Government." The student of the diplomatic papers of the year 1944 cannot rid himself of the suspicion that their authors, well aware of the fact that their papers would some day be in the public domain, sometimes used a special Department of State vernacular, a kind of Aesopian language, in order to disguise their real meaning.

It is most unfortunate that the editors of Volume I of the *Foreign Relations of the United States, Diplomatic Papers, 1944* did not print the whole text of Bohlen's memorandum; nor did they even state, in the brief footnote referring to this memorandum, to whom the document was addressed.

Fortunately, Bohlen's "Memorandum of Conversation" with Alexander

Nikolayevich Kapustin, Counselor of the Soviet Embassy in Washington, appears on the same page as the footnote just referred to.

Kapustin visited Bohlen in the State Department on October 19, 1944, and told him that there were 1,100 Soviet nationals detained in five POW camps in the United States: Camp Dix, N.J., 400; Camp Winchester, Va., 350; Camp Daleville, Ala., 146; Camp Opelika, Ala., 34, and in an unnamed camp in Arkansas, 180.

Most of the Soviet nationals held in these camps were captured in German uniforms and did not want to return to the Soviet Union. Kapustin informed Bohlen that the Soviet Ambassador wanted to obtain permission for a representative of the Embassy to visit all these camps "in order to verify this information and to interview these Soviet citizens." [35]

Bohlen told Kapustin that he would transmit the request to the appropriate U.S. authorities, "and then went on to tell him that we hoped in the near future to send a reply to the Soviet Embassy's notes on this general subject setting forth in detail the position of the U.S. military authorities on this whole question." [36] Unfortunately, the editors—for reasons unknown—chose not to print this reply.

When Kapustin inquired whether the U.S. Government had made any attempt to ascertain the nationality of the prisoners in order to separate Allied nations from Germans, Bohlen, according to his "Memorandum of Conversation," said:

> . . . as far as I was aware and in accordance with the Geneva Convention all persons captured in enemy uniform were treated as prisoners of war in accordance with the provision of the Convention, and that only when the person himself laid claim to other than German nationality was a distinction made. I said in every case as far as I was aware when a person captured in German uniform laid claim to citizenship of an Allied country, his name and statement were immediately referred to the mission in Washington of that country, and reminded him that the Soviet Embassy had been immediately notified when any of the prisoners claimed Soviet nationality.[37]

This document, if taken prima facie, suggests that Bohlen upheld a point of view in full accordance with international law and the time-honored American and British tradition of ready asylum for political exiles, and so clearly defined in February, 1945, by Joseph C. Grew. There is, however, an obvious contradiction between Bohlen's position expressed in his statement to Kapustin of October 19, and the position taken in his memorandum the next day, October 20, 1944.

In his conversation with Kapustin, Bohlen upheld the "old policy" of voluntary repatriation, in accordance with American tradition. In his memorandum, however, he "signified his approval" to Bernard Gufler's explanation of the "new policy" toward Soviet nationals, which meant forced repatriation.

Our jettisoning of international law and American tradition can further be seen in a letter from President Roosevelt's Chief of Staff, Admiral Leahy, to the Secretary of State, dated November 2, 1944. In this letter, Admiral Leahy said that "since the British War Office, with Foreign Office concurrence, had agreed that all captured Soviet citizens should be returned to Soviet authorities without exception, from the military point of view . . . it is not advisable for the United States Government to proceed otherwise vis-à-vis the Soviet Government with respect to persons in this category." [38]

On November 11, 1944, George Kennan, the Chargé d'Affaires in the American Embassy in Moscow, reported to the Secretary of State that the Soviet press had started a campaign for the forced repatriation of all Soviet prisoners of war. Kennan cabled:

> There is apparently a fear here that such persons [who do not want to be returned] may become a source of trouble if they are not repatriated at first opportunity and that prestige of Soviet Union will suffer if it becomes generally known that some Soviet citizens are not accepting with enthusiasm offers of repatriation.[39]

This cable would indicate that Kennan knew very well what forced repatriation meant for those unwilling to return. The last paragraph of his own cable to the Secretary of State reads: "Embassy Secretary Melby who returned today from trip to Murmansk where he witnessed arrival of first batch of repatriated Soviet prisoners of war from England reports that they were first welcomed at the docks with a brass band and then marched off under heavy guard to an unknown destination."

On November 24, 1944, the Acting Secretary of State, Edward R. Stettinius, told Soviet Ambassador Gromyko that the War Department had cabled General Eisenhower "recommending that he comply with the Soviet request. On this point the Department of Defense has supplied information to the effect that the action actually taken by the War Department was to refer the matter, with favorable recommendation, to the Joint Chiefs of Staff, with the result that General Eisenhower subsequently received instructions from the Combined Chiefs of Staff." [40]

That the policy of forced repatriation had been settled in favor of Stalin's demands in December, 1944, cannot be doubted when we consider the two following documents. On December 20, 1944, Stettinius, who had already become Secretary of State, cabled Alexander Kirk, political advisor in the Mediterranean Theater, in these words: "The policy adopted by the United States in this connection is that all claimants to Soviet nationality will be released to the Soviet Government irrespective of whether they wish to be so released." [41]

And on December 29, 1944, E. Tomlin Bailey of the Special War Problems Division jotted down a "Memorandum of Telephone Conversation" on a transport of 1,100 Soviet prisoners of war from Camp Rupert, Iowa, to San Francisco, where a Soviet ship was waiting for them. It reads: "Among the 1,100 men sent to the ship about 70 did not want to go. These 70 men had, however, previously claimed Soviet nationality. [Obviously in ignorance of the consequences.] Three of them attempted suicide, one by hanging, one by stabbing himself, and one by hitting his head against a beam in one of the barracks. In the end the three men have departed for the port." [42]

The other document I am referring to is a letter of February 5, 1945, from British Foreign Secretary Eden to his American counterpart, Secretary of State Stettinius, which contains the following passages:

> There is one further point, however, which I should like to mention. It is clear, as S.H.A.E.F. have already reported, that the only real solution to the problem of the Soviet citizens who are likely to fall into British and American hands shortly is to repatriate them as soon as possible. For this shipping is required and we have already sent 10,000 back from the United Kingdom and 7,500 from the Mediterranean.
>
> It seems to me that it would materially help the proposed negotiations if we could inform the Russians at a suitable moment of our plans to repatriate their citizens. . . . General Eisenhower has recently pressed the Combined Chiefs of Staff once again [!] to provide two ships to take 3,000 each from Marseilles until the present large numbers have been cleared.[43]

This document again proves the fact that American as well as British military authorities had started forced repatriation of Soviet prisoners of war long before the Yalta Agreement was finally negotiated and signed. No doubt is possible that among the Soviet citizens repatriated at that time, and before the conclusion of any agreement with the Soviets, there were many thousands repatriated against their will.

The question as to whose authority this forced repatriation was decided

on and carried out before the conclusion of the Yalta Agreement deserves special attention in the light of another document, the *Handbook of July 7, 1945, Amended through 20 September 1945,* issued by the Headquarters, United States Forces, European Theater.

Section XX of the mimeographed *Handbook* deals with "Prisoners of War and Displaced Persons." Part I of this section deals with "United Nations Prisoners of War." There we can read: "As a matter of national importance, United States Government is committed to effecting the prompt recovery and repatriation of United Nations prisoners of war in Germany."

Another passage deals specifically with the "Treatment of U.S., British and Soviet Nationals." It reads:

> b. Liberated Soviet citizens, including those who were former members of German armed forces (the Vlasov forces) uncovered or captured after 11 February 1945, will be afforded the same treatment accorded Recovered Allied Personnel, and will be returned expeditiously to the control of the USSR without regard to their individual wishes.

Point 6 of the "Provisions for Return to Former Residence" states:

> No United Nations national, stateless person, national of a neutral state or persons persecuted because of race, religion, or activity in favor of the United Nations will be compelled to return to his domicile except for a criminal offence. Liberated Soviet citizens uncovered after 11 February 1945 are excluded from this policy in accordance with para 4 above.

This excludes again the Vlasov prisoners in the U.S. as well as those "uncovered" in Germany from the principle of voluntary repatriation.

But, according to the *Handbook*, the Vlasov forces and Soviet prisoners of war captured in Soviet uniforms had to be returned "regardless of their individual wishes" only if they were uncovered or captured *after* February 11, 1945, the day the Yalta Agreement was signed and came into force. The directive by no means covers those Soviet citizens "uncovered or captured" *before* that date.

Why, then, were so many thousands of Soviet citizens forcibly repatriated under orders from the American and British Joint Chiefs of Staff and the Combined Chiefs of Staff in Europe as early as June, 1944?

Was it that Generals Eisenhower and Montgomery acted on their own, without orders from higher authorities? If so, how did they justify forced repatriation against "individual wishes?"

It is not possible to answer these questions in detail at present time because of the strict secrecy policy maintained in Washington as well as in London. Much will depend upon the final outcome of my law suit against Stanley Resor, the former U.S. Secretary of the Army.

4 The Grew Note

The record of U.S. policy regarding the issue of repatriation toward the end of World War II seems, in spite of the contradictory or equivocal positions taken, to favor the "new principle" of forced repatriation.

This makes the more interesting and noteworthy the official position of former Ambassador to Japan Joseph C. Grew, who in 1945 was Undersecretary of State and, during Stettinius' absence, Acting Secretary of State, in answer to a Soviet request.

The Soviet Government, through the Chargé d'Affaires of its Embassy in Washington, Nicolai V. Novikov, had on January fourth and eighth, presented demands to the Department of State, that the Soviet nationals captured in German uniform who were then held as prisoners of war at Camp Rupert, Iowa, be repatriated; if necessary, by force.

In his note of February 1, 1945, Grew categorically rejected the Soviet demand. (The fact that the State Department has not yet published this note still prevents the scholar from becoming acquainted with Grew's strong opposition to forced repatriation, as well as why he considered it a violation of the Geneva Convention and the American tradition of granting asylum to political exiles.) He sent the note three days before the Yalta Conference opened. President Roosevelt and Secretary of State Stettinius were then already on their way to Malta and Yalta.

Beginning with the first paragraph, Grew referred to the prisoners in Camp Rupert not as Russian prisoners of war, or as Vlasov soldiers, but as German prisoners. He wrote: "I should like to outline to you the reasons why in the opinion of the American authorities these persons cannot, without creating serious difficulties, be delivered for shipment to the Soviet Union."

He brushed aside the "arguments" in favor of forced repatriation and informed the Soviet Government that granting its demand for forced repatriation of those Soviet nationals who had been captured in German uniform would be a gross violation of the Geneva Convention, as well as of the American tradition of the right to asylum.

In taking this position, Grew was restoring a well-established U.S. policy, notwithstanding the pragmatic decisions taken by the Administration. It was a policy based on international law and upon the Ameri-

can tradition of ready asylum for prisoners of war and civilians who, for political reasons, do not desire to go home.

Grew then proceeds to explain the meaning of the Geneva Convention, which does not specifically deal with "situations such as that which has arisen from the incorporation by the Germans of captured persons of foreign nationality into German military formations."

He refers to the "appropriate Authorities who have given most careful consideration to this situation." Unfortunately, he does not identify these authorities. We do not know whether he meant the Judge Advocate General of the Army, the Attorney General, or someone else. But we must take Grew's word for it that he had obtained expertise and advice from the "appropriate American authorities" and that those authorities supported his point of view.

Grew further informs the Soviet Attaché Novikov that it appears to these American authorities "that the clear intention of the Convention is that prisoners of war shall be treated on the basis of the uniforms they are wearing when captured and that the detaining power shall not look behind the uniform to determine ultimate questions of citizenship or nationality."

But Grew had an additional reason to insist on such interpretation of the Geneva Convention, for he wrote:

> There are among enemy prisoners of war held by this Government a number of prisoners who have claim to American nationality. This Government is not, however, screening out these persons for special treatment since it desires to avoid a violation of what appears to be the intent of the Convention and weakening its ability to protect every wearer of an American uniform who may fall into enemy hands regardless of his nationality.

This meticulous adherence to the meaning of the Geneva Convention as interpreted by Grew—and never disproved by any authority—must be regarded as the best legal protection of the Vlasov troops and other volunteers fighting on the German side in the West, especially the *Hilfsfreiwillige* (Hiwis) in American captivity. It was also the best protection of the many members of the American armed forces who were of foreign nationality—especially, but not only, of German nationality. Grew's adherence to the Geneva Convention should also have protected those members of the American forces against any wanton interpretation by Hitler Germany which might have allowed German authorities, especially the SS, to screen out those American prisoners of war who had German nationality and to punish them as "traitors to the German cause."

But then, Grew proceeds to point out the difference between the Vlasov soldiers and American or Soviet troops liberated by the Red Army from German POW camps. He writes:

> In regard to the status of the Soviet nationals under discussion, I feel that I must in all sincerity remind you that they were not captured by American forces while they were detained in German prisoners of war camps but were serving Germany in German military formations in German uniforms. They are not, therefore, to be compared with American or Soviet military personnel who may be liberated from German prisoner of war camps.

Grew did not express a general rejection of forced repatriation of prisoners of war captured by the Germans in Russian uniforms who came into the custody of American occupation forces. At least not in his note to Novikov. He singled out the Vlasov troops on the ground that they were, according to the Geneva Convention of July 27, 1929, "German" prisoners of war captured while fighting against American and British forces. As to any other Russian prisoners of war liberated from German camps, Grew did not indicate in his note to Novikov that they should not be repatriated as soon as possible. He promised Novikov repatriation of the liberated Soviet prisoners of war found on German territory. He writes:

> In this connection, I can assure you that the action taken by American military authorities in regard to these persons (the Vlasov prisoners at Camp Rupert, Iowa, U.S.A.) arises from no desire on the part of the American Government to hold Soviet nationals or to prevent the return to the Soviet Union of individuals who established claims to Soviet citizenship.

However, on February 8, 1945, the Acting Secretary of State sent a Top Secret cable (dated February 7) to Secretary of State Stettinius at Yalta in which he maintained his position as strictly in favor of voluntary repatriation of all prisoners of war.

Referring to the British draft, a preliminary text of an agreement with the Soviet Union for the exchange of prisoners of war and "apparently also" for liberated civilians, Grew said:

> . . . the agreement would not appear to cover the following specific points which were incorporated in the United States counterproposals forwarded to JCS (Joints Chiefs of Staff) with you:
> 1. Protection of Geneva Convention which we have informed Soviet

Government we will accord to Soviet citizens captured in German uniform who demanded such protection.

2. Soviet citizens in the United States not prisoners of war whose cases the Attorney General feels should be dealt with on basis of traditional American policy of asylum.

5. Persons claimed as citizens by the Soviet authorities who were not Soviet citizens prior to outbreak of war and do not now claim Soviet citizenship.

And Grew added:

It is felt that these questions and others referred to in JCS 1266 and 1266/1 should be brought to your attention in order that consideration may be given to them before final agreement is reached.

This cable is of great importance. It shows that "counterproposals" had already been forwarded to the Joint Chiefs of Staff who accompanied the President and the Secretary of State to Yalta. It is most unfortunate that the Yalta Papers do not contain these counterproposals. Nor do the Yalta Papers contain any reaction to them from the JCS. Obviously, the counterproposals, as well as the position taken by the JCS, are still classified Top Secret, although such classification, after the elapse of so many years, would be in violation of President Eisenhower's Executive Order 10501 as amended by President Kennedy in Executive Order 10964. (According to these Executive Orders, classification of a military document is only justified if its release would seriously endanger American national defense and security; in other words, if it could result in the break of diplomatic relations, outbreak of war, etc. Hence, to pretend that classification on such grounds is still warranted is absurd.)

Grew's cable had definitely put Stettinius on guard against any conclusion of a repatriation agreement with the Soviets at Yalta which would not embody the principle of voluntary repatriation.

Stettinius' answer to Grew's warning is contained in his Top Secret telegram of February 9, 1945, in which he rejected Grew's position and advice on purely pragmatic grounds. He informed Grew that the British were "most anxious" to present their redraft of the Soviet redraft submitted to the British and American Governments on January 20. Stettinius also informed Grew that the Joint Chiefs of Staff "are in full agreement" with the British redraft, which eventually became the Yalta Agreement on Repatriation, invalidating the principle of voluntary repatriation as

well as the American traditional policy of asylum as insisted upon by Grew.

Then Stettinius continues: "I can see no objections to the redraft and have authorized, insofar as we are concerned, tripartite discussions based on it. It does not cover the numbered points mentioned in your reference telegram which were embodied in the Department's note of February 1 to the Soviet Embassy." [44] The Yalta Papers show here the footnote: "Not printed. This note dealt with the application of the Geneva Convention to certain prisoners of war of Russian origin who were in German uniform when captured by United States Forces."

This footnote is of great importance for the evaluation of our policy. It amounts to an admission that we threw overboard the Geneva Convention and our own tradition as a country which has always granted the right of asylum to political refugees, whether prisoners of war or civilians.

It was this footnote which in 1955 induced me to request Secretary of State John Foster Dulles to declassify it and make it available to me. Secretary Dulles obliged, and I published the Grew note in *The Tablet*, of Brooklyn, dated May 28, 1955. This constitutes the only publication of this tremendously important document prior to the note's appearance on these pages.

The reason for the complete rejection of any consideration of international law and the traditional American policy, as given by Stettinius in his telegram to Grew, was that "it would be unwise to include questions relative to the protection of the Geneva Convention and to Soviet citizens in the U.S. in an agreement which deals primarily with the exchange of prisoners liberated by the Allied armies as they march into Germany." [45]

Stettinius also expressed his fears that there would be "serious delays in the release of our prisoners of war unless we reach prompt agreement on this question." That meant, of course, that in order to prevent Stalin from committing the crime of forced retention of prisoners of war who want to go home, we were ready to commit the crime of forced repatriation of prisoners of war and civilians who did not want to return.

The *Yalta Papers* do not show any answer Grew might have cabled to the U.S. Secretary of State. The omission of Grew's note in the *Yalta Papers* as published by the Department of State is all the more surprising since the State Department's volume *The Conferences at Malta and Yalta 1945* produced not less than sixty-seven "Pre-Conference" diplomatic papers. Why was the Grew note omitted? And why has the Department

of State waited until today, twenty-eight years after it was written and sent to the Soviets, to release this note? The pre-conference documents in the Yalta Papers cover the period from July 17, 1944 until February 3, 1945, the eve of the Yalta Conference. The deliberate omission of Grew's note constitutes a grave misrepresentation of history.

Thus, so far as the public record shows, Stettinius' answer to Grew's warning closed the repatriation issue at Yalta. Without any further ado, the fateful Repatriation Agreement was signed on February 11, 1945, the last day of the Yalta Conference.*

Although forced repatriation began in 1944, at least eight months before the Yalta Agreement was signed, it became a tremendous mass operation afterwards. But before it branched out all over Western Occupied Europe, the Yalta Agreement still had to be "interpreted" as necessitating force, since it did not mention the use of force.

The surprising fact is that the Yalta Agreement on Repatriation was differently interpreted at different times by different U.S. Government agencies. Some of the rules of implementation of the Yalta Agreement were in themselves contradictory and could not, therefore, serve as guidelines to the officers of the American forces in Germany.

For more than one year it was kept secret, in spite of President Roosevelt's assurance before Congress that there were no secret agreements concluded at Yalta.

The Yalta Agreement on Repatriation was released to the press by the Department of State on March 8, 1946.[46]

In the introductory paragraphs to the press release of March 8, 1946, as published in its *Bulletin* of March 17, 1946, the Department says:

> In the implementation of this agreement the United States Government is facilitating the repatriation to the Soviet Union of only those persons who were both citizens of and actually domiciled within the Soviet Union on September 1, 1939.
>
> The repatriation of Soviet citizens is not facilitated unless they so desire with the exception of those who fall within the following categories:
>
> (1) Those who were captured in German uniforms;
>
> (2) Those who were members of the Soviet armed forces on or after June 22, 1941 and were not subsequently discharged therefrom;
>
> (3) Those who on the basis of reasonable evidence have been found to be collaborators with the enemy, having voluntarily rendered aid and comfort to the enemy.

* A fascimile reproduction of a letter from Grew to me appears as Appendix D. The letter documents the fact that Grew, as Acting Secretary of State, had recalled a ship from the mid-Atlantic after he learned that some Russians being repatriated had attempted suicide.

This instrument of implementation first renders lip service to the principle of voluntary repatriation, then nullifies it by the above provisions.

Since every single member of the Red Army falls under one or the other exception, the effect of these rules of implementation was that every Soviet national found by the Americans, British, or French in Europe was bound to be forcibly repatriated. This makes meaningless the phrase that "the repatriation of Soviet citizens is not facilitated unless they so desire." Moreover, points 1 and 3 are overlapping since they deal with the identical group of Vlasov soldiers.

How was it possible that such a self-defeating contradiction in an official State Department document could go unnoticed for so many years? Who wrote these rules of implementation? These and other important questions can only be answered in the course of a Congressional investigation into the whole history of American-sponsored forced repatriation during and after World War II.

If our military authorities in Europe had taken the State Department's rules of implementation seriously, not a single Pole or a single Lithuanian, Latvian, or Estonian citizen should have been forcibly repatriated. Why, then were so many thousands of Poles and Balts repatriated against their will?

While many mysteries remain unsolved, one established fact is that SHAEF, under Eisenhower, had officially recognized the principle of forced repatriation as early as April 1945. (For all practical purposes, however, it was adopted in 1944.)

This fact evolves from an official and still unpublished Pentagon document of 156 typewritten pages, entitled "The Recovery and Repatriation of Liberated Prisoners of War, Occupation Forces in Europe 1945–1946," compiled, written, and issued for restricted circulation only, under the authority of the Army's Chief Historian, Colonel Harold E. Potter, by Chief Archivist Gilette Griswold.

This official Army document proves beyond doubt that SHAEF as well as the JCS went far beyond what was necessary in their interpretation of the Yalta Agreement.

On page 64 of that document, there is the following statement:

> The principle of forcible repatriation of Soviet citizens was recognized in Supreme Headquarters in April 1945. Although the Yalta Agreement did not

contain any categorical statement that Soviet citizens should be repatriated regardless of their personal wishes, it was so interpreted by the Joint Chiefs of Staff. On instructions from the latter, Theater Headquarters ordered repatriation regardless of the individual's desire with only two exceptions, namely, Soviet citizens captured while serving with the German armed forces and unwilling to resign their status as prisoners of war and Soviet citizens known or suspected as war criminals.

This compounds the confusion. If this was the intention of the JCS in April, 1945, headed then by General George C. Marshall, it is impossible to imagine how the military authorities could have found a single Vlasov soldier who had served with the German armed forces who was *not* unwilling to resign his status as prisoner of war, if such unwillingness could have saved his life. There can be no doubt whatsoever that a hundred percent of all Soviet prisoners of war in American hands who had ever served with the Germans "were unwilling to resign their status of prisoners of war" and should therefore never have been forcibly repatriated.

U.S. military authorities were well aware of this fact. To give just one example: General John R. Deane, the U.S. Military Attaché in Moscow, who had co-signed the Yalta Agreement on Repatriation with the Soviet General Gryzlov, writes:

> . . . those taken in German uniforms objected almost without exception to being returned to Russian custody for fear of the retribution which would await them. A large number of these prisoners stood on their rights, claimed German citizenship as a result of their inclusion in the German Armed Forces, and insisted on being treated as German prisoners of war under the provisions of the Geneva Convention. To avoid reprisals by Germany against our own men held as prisoners of war by the Germans we took the position that we would have to hold those Russians found in German uniform until the end of the war, when the danger of reprisals had been removed by victory.[47]

This amounts to a most remarkable confession by General Deane. It documents the fact that our military authorities were, in December of 1944, thoroughly aware of the illegality of any forced repatriation of the Vlasov and other Soviet soldiers. As General Deane correctly wrote, the Vlasov soldiers "stood on their rights" (General Deane fully recognized these "rights" as legitimate or he would have spoken of their "alleged rights.") and wanted, therefore, to be treated as German prisoners of war under the provisions of the Geneva Convention. This position was completely in accordance with international law as well as with international custom. It was exactly the same position as maintained by Acting Secretary of State Grew in his diplomatic note to the Soviets of February 1, 1945.

Furthermore, the quote from General Deane's book proves that the military authorities already had the intention in 1944 to violate international law and custom after final victory, when the Germans would no longer be able to take reprisals.*

The passage quoted from Deane's book is one of the most self-incriminating confessions ever publicly expressed by a U.S. high official. It makes obvious the intention to violate the Geneva Convention, at best only temporarily adhered to, in order to avoid German reprisals. General Deane's book also shows that U.S. military authorities repatriated political refugees even though they were aware they would be executed upon their return to the Soviet Union.

He cites the case of "a Red Army major claiming to have been born in America who was a stowaway on an American plane leaving Poland for Italy. Our authorities in Italy returned him to Russia and almost certain execution as soon as he landed." [48]

One of the puzzles to be cleared up by a future congressional investigation of forced repatriation is the mystery of the dates in the fateful sequences. As we have seen, the document written by the Army's own historical branch, indicates that the question of repatriation was officially and finally resolved by the Joint Chiefs of Staff in April, 1945.

But the Department of State published its rules of implementation of the Yalta Agreement in March, 1946. We do not know, however, when they became valid.

Comparing the two sets of rules of implementation, we see that they contradict each other in the extreme.

As released by the Department of State, the rules provided that "those who were captured in German uniforms" must be repatriated without regard to their individual wishes, whereas the Joint Chiefs of Staff rules provided the exact opposite: namely, "repatriation regardless of the individual's desire, with only two exceptions—Soviet citizens captured while serving with the German armed forces and unwilling to resign their status as prisoners of war, and Soviet citizens known or suspected as war criminals."

The simultaneous existence of these two different sets of rules of im-

* The abundant documentary proof of this fact, now available in *Foreign Relations of the United States, Diplomatic Papers, 1944*, vol. IV, Washington, D.C., the State Department, did not appear until late 1966.

plementation offers a classical example of contradictory guidance within the American administration. How was such a thing possible?

Future historians who will have access to all those still-classified documents bearing on the implementation of the Yalta Agreement on Repatriation will have a hard time unraveling the Gordian Knot of contradictions and ambiguities tied by different departments in Washington.

That confusion and entanglement did indeed result in Washington's ruling on the repatriation issue can also be seen in the already-cited document prepared (under Army Chief Historian Potter) by Chief Archivist Griswold. This authentic instrument also reveals that on August 25, 1945, the Seventh Army, under the command of Lieut. Gen. Alexander M. Patch, requested special instructions from General Eisenhower's Theater Headquarters on the use of troops to turn over unwilling repatriates to the Soviet authorities. Supreme Headquarters considered the matter so important—notwithstanding its instruction from the Joint Chiefs of April of the same year—that the question was referred again to the JCS in Washington. In the meantime, General Patch decided to suspend any use of force to effect repatriation of Soviet citizens.

Although they had issued presumably clear regulations in April, 1945, the Joint Chiefs took four months to answer General Patch's simple question. Their reply did not arrive until December 20, 1945. By that time, General Marshall was no longer Chief of the JCS, having been appointed Secretary of State by President Truman. Hence it was General Eisenhower, new Chief of the JCS, who answered General Patch's question.

In their reply, the Joint Chiefs categorically reaffirmed the principle of forced repatriation, stating that Soviet citizens who had actually been within the Soviet Union on September 1, 1939, would be repatriated "without regard to their wishes and by force if necessary." The order was signed: "By Command of General McNarney: L. S. Ostrander, Brigadier General, USA, Adjutant General."

This answer from the JCS was not only a repetition of the repatriation regulations issued by the JCS in April, 1945, it also repeated the repatriation policy as expressed in another classified Army document, issued by SHAEF in May, 1945. This document was compiled as the result of the decision by the JCS of April, 1945. Entitled "Guide To The Care Of Displaced Persons In Germany," it originated with the G5 Division, Displaced Persons Branch and bears the imprint, "Revised May 1945."

Page 22 of that SHAEF document reads:

c. After identification by Soviet Repatriation Representatives, Soviet displaced persons will be repatriated regardless of their individual wishes.

And again on page 25:

d. Supreme Headquarters will issue instructions based on the disposition of such cases to serve as a guide to Assembly Center Directors in dealing with subsequent cases. . . .

Note: Enemy and ex-enemy displaced persons, except those assimilated to United Nations Status, will be returned to their countries of nationality of former residence without regard to their personal wishes.

The final and definitive record—three volumes strong—of the whole American-British forced repatriation operation was compiled by the Army and classified Top Secret on September 18, 1948. It bears the unmistakable title: "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." Its secret file number is 383.7–14.1.

I have given Webster's definition of the word "keelhaul" in the Introduction. Keelhauling was the most atrocious punishment in the old British and Dutch navies. Most of those subjected to it were dead when they were fished out of the water. Therefore, the very choice of this word by U.S. military authorities to designate forced repatriation does not leave any doubt that they knew its true character.

5 General Vlasov and His Movement

The captured Soviet General Andrei Andreevich Vlasov, to whom I referred but briefly earlier, and the at least 900,000 of his followers among Soviet nationals in Nazi Germany, formed the core of those forcibly repatriated between 1944 and 1947. Born on September 1, 1900, in the village of Lomakino, which the Bolsheviks named Gorki, he was the eighth child of a peasant who also worked as a tailor to augment his small income.

Like Stalin, Vlasov went to the Orthodox theological seminary, but, unlike Stalin, did not leave it before he had graduated. Then in 1918, in opposition to his father, he decided not to pursue the career of a priest but to study agriculture. In 1919 he was drafted into the Red Army. "With this step, one of the most successful but also one of the most tragic careers in Russian military history was launched." [49]

Vlasov was deeply impressed by Lenin's early promises of "peace, land for the peasants and freedom." The Bolsheviks also promised to abolish all obstacles to education; they destroyed class distinctions and the old Russian order of caste rigidity, all things which were welcomed by the peasant's son who had suffered so much in school and in the priests' seminary. He deeply believed in the sincerity of Lenin's glowing promises and in those of his own early Bolshevik comrades.

In the fall of 1919, after finishing a short officers' training course, Vlasov was sent to the southern front as a lieutenant in the Second Don Division. It was here, fighting General Anton Ivanovich Denikin's army, that Vlasov first proved his military prowess and ability.

At that time, some doubts about the Bolshevik regime might have disturbed Vlasov's soul. His eldest brother Ivan was executed because he was allegedly involved in an anti-Bolshevik conspiracy, a rather strange parallel to Lenin's biography. (Lenin's older brother, Alexander Uljanov, had been arrested on March 13, 1887, because he was involved in an attempt to assassinate Tsar Alexander III. He was tried, sentenced to death on April 19, 1887, and hanged on May 20, 1887.)

By early November, 1920, the White Russian General Peter Nicholaievich Wrangel had been defeated, and the Red Army had conquered the Crimea. Vlasov's period of combat in the Civil War thus came to an end.

The earliest rumors of the Kronstadt rebellion—the first uprising against the Bolsheviks since the end of the Civil War—probably reached Vlasov then, for he learned of the unrest among the peasants, of the Cheka terror, and of opposition against Lenin's policy. It is possible that the news may have sowed the early seeds of his rebellion against communism. But, like so many others, "It seemed to him that the country was waging a cruel war, that all means had to be used to achieve victory, that rigid authority must be maintained and that, afterward, everything would be settled more to everybody's liking." [50]

Although the Red Army shrank from six million to 600,000 during the years 1921 to 1923, and men and officers were demoted, Vlasov was appointed a company commander in the active service. In 1930, he became Tactical Instructor in the Leningrad School for Red Army officers. In the same year he joined the Communist Party of the Soviet Union.

Vlasov survived the purges in connection with the Tukhachevsky affair, and in the fall of 1930 he was recalled to Moscow, where he was immediately appointed Chief of Staff to the Soviet Military Advisor in China, General Cherepanov.

It was the first time Vlasov had lived in a non-Communist country. No secret police agents followed him around the clock. To understand Vlasov's position in China, we must remember that at that time the Soviets pursued a dual policy there. Officially, they supported Chiang Kai-shek with arms and military advisers such as Vlasov. Simultaneously, however, they supported various communist elements and Chu-Teh's Chinese Red Army, which was bitterly fighting Chiang. But since China was at war with Japan, the Soviets were forced to increase their military aid to him.

It was Vlasov's task to indoctrinate the commanders of the Chinese army, especially to teach them operational tactics. He carried out this task brilliantly. As a result, he was appointed Military Advisor to Marshal Yen Hsi-shan from February to May of 1939. During that time, Marshal Yen Hsi-shan was Supreme Commander of the Second Military District of the North-Western front at Shansi. He officially recognized the supremacy of Chiang Kai-shek but in actuality did not carry out his commands.

According to George Fischer, "Vlasov spent four months with Yen Hsi-shan. Under incredibly difficult conditions, he confronted Yen Hsi-shan with the necessity of joining in the operations against the Japanese army. By using great diplomatic ingenuity and displaying all his effervescent energy, he obtained permission from Yen Hsi-shan to visit his regiments and divisions." [51]

Soon thereafter, the head of the Soviet Mission in China, General Cherepanov, was recalled to Moscow and Vlasov became the acting head of the Soviet Mission. In November of 1939, Vlasov was recalled to Moscow.

In August of that year, Stalin had signed the Non-Aggression Pact with Hitler and also the Secret Protocol partitioning Poland and the three Baltic states between the U.S.S.R. and Nazi Germany. Then on September 1, 1939, Hitler attacked Poland, while on another front the course of Stalin's war against little Finland indicated the rather poor condition of the Red Army.

The Red Army's purge after the Tukhachevsky affair had disastrous results. Vlasov was deeply depressed by the immense contrast between Lenin's revolutionary promises and the hard realities under Stalin, whose alliance with Germany, gave Hitler the green light to start World War II.

On June 4, 1940, Vlasov was promoted to brigadier general.[52] He was not yet forty years old. In January of 1941, Vlasov became Commander of the 4th Tank Corps in Lvov, and in February of the same year, on the occasion of the twenty-third anniversary of the Red Army, Stalin awarded him the Order of Lenin.

After Hitler's attack against the Soviet Union on June 21, 1941, Vlasov was disappointed by the retreat of the Red Army and the defeat in the Battle of Kiev, where the Germans took 665,000 Soviet prisoners.[53] For him, this was a breakdown of the leadership and the organization of the Red Army. But he still did not draw the conclusion that there was an alternative solution to the war against the Hitlerite aggression and believed that the growing power of the Army might force the necessary changes in the Soviet structure.

This belief was soon to be shattered. When Stalin finally allowed him to withdraw from Kiev, Vlasov had to fight his way for 550 kilometers through the encirclement until he reached Kursk. In Voronezh, he was received by Marshal Timoshenko and Nikita Khrushchev, who was a member of the Soviet War Council.[54]

Stalin summoned Vlasov for a conference, participated in by Marshal Voroshilov and the Soviet Chief of the General Staff, Shaposhnikov, Beria, Marshal Zhukov and Georgi M. Malenkov.

The first item on the agenda was Marshal Zhukhov's report. According to the writer, Sven Steenberg:

> It was the most unpleasant report one could imagine. The panic in Moscow was obvious. The supply trains had a hard time to reach Moscow. They

were constantly hampered by the evacuation trains, trying to leave Moscow. The Germans were only 40 kilometers (25 miles) from Moscow. In the South, Guderian's tanks stood in the vicinity of Tula. With the end of the mud period, which had given the Red Army a breathing spell, the Germans would certainly continue their attack against the city.

After Zhukov had finished his report, Stalin turned to Vlasov and asked him: 'What do you think of the situation?'

Vlasov pointed out that the mobilization of untrained workers without the co-operation of regular troops would be utterly ineffective. If the Siberian troops should arrive in time, one could try a breakthrough to the West. This would be the only way to gain time. The Russian winter would then do the rest.

'With regular troops, everybody can defend Moscow,' was Stalin's reply. The whole population of Moscow must be mobilized and every single street must be defended. Besides, Beria would provide 10,000 criminals.

Vlasov asked: 'And tanks?'

'I have no tanks,' Stalin replied and smiled. 'Comrade Malenkov, how many tanks can we give comrade Vlasov?'

'Fifteen,' was Malenkov's answer.

'You'll get fifteen tanks, I don't have more.' Then Stalin appointed Vlasov Commander in Chief of the 20th Army, still to be created. He rose. The meeting was closed.[55]

Vlasov formed the 20th Army and he defended Moscow.

He pushed the Germans back from the approaches of Moscow to Rzhev, a distance of more than 125 miles. Vlasov had saved Moscow. Stalin awarded him the Order of the Red Banner and promoted him to the rank of lieutenant general. He was then forty-one years old.

Vlasov's defense of Moscow was the first Soviet victory against Hitler's Blitzkrieg divisions. He became famous not only within the Soviet Union but around the world. Ilya Ehrenburg visited him and wrote an article about their meeting.

To visualize the almost completely hopeless strategic position of the Soviet Union at the end of 1941 and the beginning of 1942, it suffices to remember a few hard facts. At the end of 1941, the Germans had already occupied Soviet territories in which more than forty percent of the total Soviet population was living. These occupied territories produced more than sixty-five percent of the Russian coal, sixty-eight percent of the total pig iron output, fifty-eight percent of the steel production, sixty percent of the aluminum production; and forty-one percent of the total Soviet railroad tracks were located in German occupied territory.

The situation around Leningrad became catastrophic. At this moment,

Stalin gave the order to begin an immediate offensive in the direction of Leningrad. He appointed Vlasov Deputy Commander of the Volkhov front, which was only seventy-five miles east of Leningrad.

When Vlasov arrived at the Volkhov front, he saw the starving Red Army. The soldiers received fifty grams of bread per day. His last doubts about Stalin's wisdom as a military leader were dispelled and he became convinced that: "The Russian people did not want to fight and die for Stalin and Bolshevism. For the first time in their history, the Russian people surrendered into captivity and deserted *en masse*, using any trick to remain in the areas occupied by the German army." [56]

After several weeks, Vlasov succeeded in breaking through the German lines at the Volkhov and advancing ninety kilometers. He could not do more. His army was completely exhausted. Vlasov suggested to Stalin an immediate retreat in a hopeless situation. Stalin rejected Vlasov's suggestion and renewed his order to attack.

On March 19, 1942, the Germans succeeded in encircling Vlasov's army where it had broken through the German lines. Vlasov decided to fly into the encircled pocket and to take over the command. He succeeded under most difficult circumstances in breaking through the Russian lines and reestablishing a connection with the Russian front. The connecting corridor, however, was only three kilometers wide. Again, Vlasov urgently demanded permission to retreat. Again, Stalin refused. He explicitly ordered the continuation of the attack, an order which was as insane as the order Hitler gave to General Friedrich Paulus at Stalingrad.

After a hopeless try at attacking the German lines, the Russians concentrated on defense. In that desperate situation, Vlasov received the visit of Maria Voronova, a friend of the family, who brought him a letter from his wife. It contained a depressing message: "Gosti byli" ("guests were here"). The Secret Police had, indeed, searched Vlasov's house.[57] Vlasov asked himself if this could happen to a man of his merits, to a man who had been decorated by Stalin himself? It was one of those experiences which led to the conclusion he ultimately drew.

It was not before May 14, 1942, that Stalin gave Vlasov the permission to retreat. But now, it was too late. Untold thousands of Soviet soldiers drowned or starved to death in the forests and swamps. The Germans took only 32,000 prisoners. Stalin had sacrificed tens of thousands of his best men in vain. However, he issued an order to save Vlasov and his staff and sent a parachute unit to rescue them. The parachutists could not find Vlasov and perished while they were looking for him. Vlasov ordered the

rest of his army to attempt a breakthrough in small groups. He himself did not succeed in escaping.

But he had ample time to think.

He then realized the true character of Stalin's regime, the blind terror, the senseless sacrifice of human life and Stalin's complete failure as a military leader.

On July 11, 1942, Vlasov and Maria Voronova went to the little hamlet of Tuchovetchi. He had removed his rank insignias. The oldest inhabitant of the village pretended to be willing to help them. He "hid" them in a barn belonging to the village fire department. Then he informed the Germans. On June 12, 1942, General Vlasov became a German prisoner of war.

The first POW camp to which Vlasov was brought, Vinnitza, in the Ukraine, was at that time the seat of the German Army High Command (OKH, *Oberkommando des Heeres*). Here, Vlasov was to be debriefed by German interrogation officers. This debriefing camp had been established without the knowledge of the German Supreme Command by Count Klaus von Stauffenberg, who was the group leader of the organizational staff of the General Staff.

At Vinnitza, Vlasov encountered many high ranking officers of the Red Army and, for the first time, could discuss Soviet affairs without the perennial surveillance of Soviet Commissars and the Secret Police. The Soviet officers in this camp—at that time, receiving excellent treatment—welcomed this opportunity.

Here Vlasov also met the Soviet Colonel Vladimir Boiarskii, Commander of the 41st Guard Division. According to Steenberg, Boiarskii told Vlasov that he hated the Soviet regime, and that he thought it might be possible to overthrow it with the help of the Germans. However, he was ready to cooperate with the Germans only under the condition, that "liberation" and not "conquest" was planned.[58]

Vlasov and Boiarskii were certain that a great many Russian soldiers would desert if only they could be assured they would not have to deal with the Germans, but with a Russian national liberation Army, which would honestly represent their national interest.

General Vlasov and Colonel Boiarskii wrote the first document of the so-called Vlasov Movement on August 3, 1942. In their memorandum they said that the vast majority of the Soviet population, as well as of the Soviet Army, would welcome the overthrow of Stalin. They stressed the point that they would welcome Stalin's overthrow only if the new Russia would be considered by the Germans as an ally, having equal rights. For

that reason, they proposed the formation of a "Centre for the Education of the Russian Army." Only such a liberation army, fighting for the true interests of Russia, would not be considered traitors by the Russian people.

This memorandum was based upon the experience of war, for it became clear that the majority of the people in the occupied Soviet territory had at first considered the Germans as liberators and had welcomed them.

> There is hardly any other example in history where a regime was feared and hated by such a large segment of the populace as Stalin's regime. Only this fact explains why millions of Soviet citizens, who felt no less nationalistic than the citizens of other states, were ready to enter into an alliance with an aggressor against their own regime. Only if we have this in mind can we understand that even those who had, in the beginning, no personal convictions, arrived by free dialogue at the same conclusions as their compatriots.[59]

Against him and his movement, Vlasov not only had Stalin but Hitler and his Eastern expert, Rosenberg, the Reichsminister for the occupied territories of the Soviet Union whose policy had but one goal: relentless subjugation and colonialization. Slavs were nothing but "Untermenschen" (subhumans), whose only purpose in life was to serve the German "Herrenrasse" (master race).

Therefore, whatever support the Vlasov movement received from the *Wehrmacht,* was—until very late in 1944—in opposition to Hitler's and Rosenberg's "Ostpolitik."

We return now to the first document of the Vlasov movement, the Vlasov-Boiarskii memorandum of August 3, 1942,[60] which was unusually candid:

> The leadership of the Soviet armies, especially the commanders who in captivity can freely exchange opinions, is faced with the question of how the Stalin government could be overthrown and how a new Russia should be built. They are all united in the purpose of overthrowing the Stalin regime and changing the form of government. There is but one question: whether to do so by leaning on Germany or upon England and the United States.[61]

The fact that Vlasov dared to express such an opinion while being held in German captivity convinced even his most outspoken enemies among the Nazi hierarchy that this man could not be bought, that he was neither a hireling, nor a Quisling of the type they had found in Norway and Holland.

The message contained in the Vlasov-Boiarskii Memorandum spread rapidly among the Russian POWs in the occupied zone as well as within the Reich itself. Millions of Russians saw themselves confronted with the problem of whether or not to side with the Germans as the only practical way to destroy Stalin and Stalinism. Their other alternative was to defend the fatherland and, by doing this, to strengthen the hated regime. The answer depended to a large extent upon the response they would receive from the Germans. As previously mentioned, the German hierarchy was in itself split. Hitler, Alfred Rosenberg, and their next entourage, insisted upon their "Untermenschen" theory. The lower echelons within the German *Wehrmacht* tended to believe that a Vlasov movement should be supported. One man among the German officer corps who supported Vlasov and his idea was Captain Strik-Strikfeld, a member of the "Abteilung Fremde Heere Ost" within the High Command of the Army at Vinnitza. He was to become a close and sincere friend of General Vlasov who stuck it out with him to the tragic end.

Vlasov's friends within the military forces included Colonel Count von Stauffenberg who, on July 20, 1944, planted the bomb at the Fuehrer's Headquarters at Rastenburg, East Prussia, and was executed a few hours later in Berlin. Stauffenberg was in contact with many high ranking officers, who were opposed to Hitler's Ostpolitik. This group, which von Stauffenberg called the "Society for the struggle against perilous nonsense," numbered among its members the majority of the higher ranking officers of the Army High Command, many officers of its Propaganda Division, the Chief of the German Counter Intelligence Corps, Admiral Wilhelm Canaris, and a whole group of diplomats, including the former German Ambassador to Moscow, Count von den Schulenburg. Even members of the Waffen SS soon recognized the nonsense of Hitler's attitude toward Vlasov and his adherents. General Franz Halder, Chief of the General Staff, also belonged to the secret supporters of Vlasov. He appointed Lieutenant Colonel Reinhard Gehlen to be director of the Department Foreign Armies East. Gehlen, an embittered enemy of Hitler's Ostpolitik, believed in an alliance with the Russian people in order to overthrow Stalin.

These groups waged a courageous and dangerous battle against the official Nazi Ostpolitik and tried to sabotage it as effectively as possible. Under silent toleration by the OKH, but without the knowledge of the Fuehrer's Headquarters, deserters and prisoners of war, in steadily increasing numbers, were used by the German front units as drivers, mechanics, and ammunition carriers, as well as for other services, without

being officially listed. They all wore German uniforms without rank insignias, but carried arms and fought occasionally together with the German Army. The Germans called them *Hilfsfreiwillige* (Hiwis), and their number reached several hundreds of thousands. As Steenberg reports, the German 134th Infantry Division offered all its prisoners of war regular status as soldiers from July 1941 on. At the end of 1942, about half the division was comprised of former Soviet soldiers.[62] Besides this, completely equipped volunteer battalions under German leadership were formed. They were considered the core of a future Russian liberation army.

According to Steenberg, about 900,000 Soviet nationals fought against the Stalin regime in the fall of 1942, without Hitler's knowledge.[63]

These developments finally convinced Vlasov to serve as Commander of a Russian Liberation Army (ROA). To go into the many details which led to the formation of the Russian National Committee, the parent organization of the Russian Liberation Army, would be far beyond the scope of this book. It is sufficient to mention only the more important facts.

Leaflets with the proclamation of the Russian National Committee were dropped not only over the Russian front, but also "by error" over the German occupied territories, creating new hope among the Russian prisoners of war.

Vlasov was next selected as leader of the National Committee. Along with him, former Soviet Major General W. F. Malyshkin and Soviet Battalion Commissar M. A. Sykov formed the triumvirate, the guiding spirits of the National Committee. The formation of the National Committee was to be proclaimed in a special radio message from Smolensk. The triumvirate had prepared the main document for this broadcast, the so-called "Smolensk Manifesto."

Among other things, the Smolensk Manifesto demanded in its thirteen-point program the abolition of forced labor and collective farms, the re-establishment of trade and private initiative, social justice, and immediate termination of the reign of terror and violence. It also demanded complete freedom of religion, conscience, speech, assembly, and press, as well as the inviolability of every person and his residence.

It was a revolutionary bombshell and was so received. Millions of Russians, both within and outside the Soviet Union, greeted Vlasov as a Messiah, a new liberator from Bolshevist terror and tyranny. The Manifesto did not mention Hitler or the Nazis by name. It mentioned the "Germans" in a single sentence, which read: "The Russian Committee

appeals to all soldiers and officers of the Red Army to join the Russian Army of Liberation, fighting shoulder to shoulder with the Germans." The millions of listeners did not know that the National Committee at that time existed mostly on paper, that the Smolensk Manifesto was written in Berlin, and that the highest echelons of the Nazi hierarchy fought it tooth and nail. Neither Hitler nor Field Marshal Wilhelm Keitel wanted anything of that sort. In spite of this, the Manifesto had the effect of binding millions of anti-Stalinist Soviet soldiers on both sides of the front. From now on, they considered themselves as ideologically belonging to the Vlasov movement.

So far as Vlasov's proclamations are concerned, the next, and by far most important, came on November 14, 1944. Known as the Prague Manifesto, it was proclaimed on that day in Prague in the presence of many SS officers. It is a lengthy document with which I can deal here only briefly.

The preamble of the document states:

> There is no worse crime than the one Stalin commits, of destroying countries and suppressing the peoples who strive to preserve the land of their forefathers and build their happiness by their own labor. There is no worse crime than to subjugate other peoples and force one's own will on them.
>
> The Bolsheviks robbed the peoples of Russia of the right to national independence, development and distinct characteristics.
>
> The Bolsheviks robbed the peoples of freedom of speech, freedom of political convictions, their personal liberties, free choice of domicile and travel, freedom of profession, and the opportunity for everyone to take his place in society in accordance with his capabilities. They replaced these freedoms with terror, party privileges, and arbitrariness toward the individual. . . .

Then the Manifesto laid down the aims of "The Committee for the Liberation of the Peoples of Russia": the overthrow of Stalin's tyranny, the end of the war and an honorable peace, creation of a new free people's political system without Bolsheviks and exploiters. This was followed by fourteen main principles, which included the liquidation of the *kolkhozes* (collectives) and forced labor and the reintroduction of "inviolable private property earned by work." The Manifesto was signed by Vlasov and the thirty-six members of the Committee, as well as eleven candidates.

Four days later, on November 18, 1944, 1,500 people were assembled in Berlin's *Europahaus,* predominantly delegations of Russian workers, so-called "Ostarbeiter," forcibly brought to Germany, and prisoners of war.

Vlasov delivered the main speech, in which he explained again the goals of his liberation movement. At the end, he read the Prague Manifesto. It was well received. Within a few days, more than 30,000 workers and prisoners of war registered their names by telegram and letter for admission to the Russian Liberation Army (ROA).

At that time, the defeat of Hitler was visible on the horizon. Vlasov and his General Staff hoped to surrender to the British and the Americans, not only to escape forced repatriation to the hated Stalin regime, but also because they were convinced that, sooner or later, the Western alliance with Stalin must come to an end. Then, so they thought, the Vlasov movement with its more than one million people, would be a welcome ally of the West.

It is worth mentioning here that at about the same time (1943–1944), German prisoners of war who had fallen into Russian captivity at Stalingrad formed a German counterpart to the Vlasov movement, with Stalin's blessing. It was known in Moscow as the "Nationalkomitee Freies Deutschland" (National Committee for a Free Germany) and the "Offiziersbund." One of the most prominent members of the German National Committee was none other than Walter Ulbricht, who went to the front line to entice German troops to surrender to Stalin and to join his *Nationalkomitee.* However, neither the National Committee of Free Germany nor the *Offiziersbund* can be compared with the Vlasov movement. The German prisoners in the Soviet Union who joined these organizations had to become Communists and had to pledge allegiance to Stalin and his future program. Vlasov and his million followers never accepted Nazi doctrine and never promised to serve Hitler's interests after the war. This places them on a much higher moral level than the Communist stooges under General von Paulus, who was the head of the Stalin-sponsored German organizations in Moscow. In spite of this, nobody—certainly not the Western Allies—ever called them traitors to the Fatherland. On the contrary, they came back to Germany highly honored, and Ulbricht became the most powerful man in the People's Democratic Republic of Germany. The Germans who formed the *Nationalkomitee* and the *Offiziersbund* were welcomed by Stalin and the Communists because they were ready to fight "German fascism," Stalin's former ally.

The Vlasov people wanted to fight Stalin and Stalinism—a regime certainly not better than Hitler's Nazi regime—but were condemned by the West for one reason only: that we were allied with Stalin's terror regime. Also the shortsightedness of the British and American statesmen, who did not perceive the real significance of Vlasov and his movement,

caused the tragedy which reached its climax in the years 1945–1947, when we forcibly returned about two million Soviet nationals against their will to Stalin's gallows and slave labor camps.

Not before January 28, 1945, did Hitler see fit to officially entrust Vlasov with the High Command over the Military Forces of the Committee for the Liberation of the Peoples of Russia. At that time the handwriting on the wall had become so clear that Hitler and Heinrich Himmler had nothing to lose.

According to George Fischer, one million Soviet nationals had registered as volunteers during the last three months of the war. Although the KONR army itself numbered only fifteen thousand soldiers and grew finally to less than fifty thousand, these million volunteers ready to serve under Vlasov belonged, in one way or another, to the Vlasov movement.[64]

Vlasov's army did not become operational at the front until March, 1945. The front units were under the command of Colonel C. K. Sergei Buniachenko. On April 11 and 12, 1945, the First Vlasov Division fought its first and last battle on the Eastern front which was, at that time, in the South of Frankfurt on the Oder. Shortly after that engagement, the Division decided—without German approval—to leave the front and to march in the direction of Czechoslovakia. According to a secret plan, the intention was to unite the First Division with the rest of the KONR troops, including the staff of Vlasov's Headquarters.

In May, 1945, the short history of the Vlasov forces reached its climax with the liberation of Prague. Vlasov himself did not think much of it and had no desire to fight the Wehrmacht, for he did not feel it could be held responsible for Hitler's mistakes and idiocies. But he finally approved the action. On the morning of May 5, 1945, Buniashenko concluded an agreement with the forces of the Czech underground resistance, who had urgently asked the Vlasov forces to support their fight against the SS.[65]

On the evening of May 6, Vlasov's First Division arrived from the west and southwest in Prague. The division was enthusiastically welcomed by the Czech population. Vlasov's soldiers were overwhelmed with flowers and gifts. One day later, May 7, the larger part of Prague was already in the hands of the insurgents. Vlasov's troops took several thousand prisoners whom they handed over to the Czechs. His division lost about three hundred men killed and wounded in the action.

According to an American correspondent's eyewitness report, published in *The Saturday Evening Post*, "Prague really was liberated by foreign troops, after all. Not by the Allies who did not arrive until the shooting

was all over, but by 22,000 Russian outlaws wearing German uniforms. The leader of these renegades was General Vlasov, a former hero of the Red Army." [66]

While the battle was in progress, a so-called "Provisional Government," in which the Communists had a two-thirds majority, had been formed. Vlasov's adjutant, Antonov, sent an officers' delegation to this Provisional Government. At the time, the Vlasov troops were still fighting together with the Czech underground resistance. This meeting proved to be a bitter disappointment to the Vlasov movement. The representatives of the Provisional Government were blunt:

> "This government did not want the help of traitors and mercenaries of the Germans and did not want to have any dealings with them. In a short while, Marshal Koniev would be in Prague. . . .
>
> "You admit that you are fighting against communism. Eight out of twelve members of our government are communists. You are our enemy. We recommend that you surrender to the Red Army. . . ." [67]

Germany capitulated on May 7, the official date being May 8, 1945. The Vlasov troops realized that there was only one way open to them: to surrender to the Americans. They resumed their march to the south.

In Przibram, thirty-five miles southwest of Prague, Vlasov's troops were informed about the fate of their generals. From imprisoned Vlasov soldiers they learned that Trukhin had already established liaison with the Americans on May 5, and had even received an ultimatum from them demanding that he and all units of the Second Vlasov Division capitulate within thirty-six hours. They were also informed that Boyarsky was repatriated by Czech Communists and that the Soviets hanged him on the spot.

General Vlasov left the Division, which was now on the march to the south, and went to Pilsen with Rensorov, Antonov, and a woman interpreter, as well as with his personal guard, to negotiate with the Americans. In Pilsen stood the U.S. Third Army under General Patton, who, naturally, wanted to liberate Prague. The Czechs—with the exception of the Communists—could not understand why he was not coming to Prague and kept imploring him by radio to do so. Eisenhower did not allow Patton to drive the fifty-five miles to Prague because he had approved Stalin's wish that Prague should be reserved for its "liberation" by the Red Army. As mentioned earlier, however, the Czech resistance, together with the Vlasov troops, had liberated Prague before the Russians ever arrived.

On his journey to Pilsen, Vlasov was accompanied by the Cossack General Kononov who wanted to merge the Cossacks with the Vlasov army of liberation.

A meeting with the U.S. Commanding General at Pilsen was arranged for Vlasov. According to Steenberg:

> The next morning, at ten o'clock, Vlasov was received by an American general who told him he could not give him any guarantees for a non-repatriation to the Soviets. That would go beyond his competences. He could only advise Vlasov to surrender unconditionally. In this case, he would try to accept the Division in American captivity.
>
> About two o'clock, Vlasov was informed by an American officer that his Division had arrived near Schluesselburg. The General suggested to Vlasov that he should drive to Schluesselburg. He could, however, also go to any other location. Fuel would be supplied, if necessary.
>
> That meant the tacit sanction of a flight by Vlasov. Although this was obviously the personal attitude of an officer, it was, nevertheless, the first sign of a human understanding.
>
> Vlasov informed the American that he would go to his division and that he could be reached there.
>
> It was late in the evening when Vlasov arrived at Schluesselburg. The Americans went straight to a castle on the outskirts of the town while the column waited with lights turned off. They waited for four hours. Nobody spoke. There was nothing to be said anymore. About midnight they were told that they could sleep in the castle. At the castle they were received by the American Captain Donahue. Suddenly, Captain Donahue asked Vlasov why he had fought against his fatherland. . . . He remarked that his question was not meant as a criticism. He knew that Vlasov was Stalin's enemy. Therefore, he was interested in his motives.
>
> Vlasov realized that the Captain was sincerely interested. Slowly, and without any emotion, he began to speak. Then he was carried away by his temperament. He spoke of all the possibilities, the hopes and disappointments of his compatriots. Once more, he summarized in a grandiose résumé the aims untold Russians had fought for and had suffered so much for.
>
> The American listened, and something like admiration seemed to move him. He arose and shook Vlasov's hand. Then he said: 'I thank you, General. Whatever I can do for you, I shall do.'
>
> The next day—May 11, 1945—Vlasov learned that the Division had assembled six kilometers north of Schluesselburg. They had surrendered their arms—by order of the Americans. Their discipline was excellent. They considered themselves prisoners of the Americans.
>
> Captain Donahue informed them the area would be handed over the next day to the Soviets. He said he had not yet received permission to let them go to the American zone. He offered to allow Vlasov to go to the British zone, together with a transport of liberated British prisoners. Vlasov could then get in touch with the British military authorities.
>
> Vlasov refused to go. Instead, he went to his Division. The situation in the castle had become rather uncomfortable. Czech partisans and Soviet officers went in and out.
>
> In the afternoon, Vlasov returned to the castle. Captain Donahue received him with the message that the Army staff had asked whether Vlasov was in Schluesselburg. He asked: 'Are you here?' Vlasov understood that this courageous officer still wanted to enable him to flee. Again, he rejected the idea. 'I am here', he said.[68]

If we follow Steenberg, this is what then happened:

> At 7 o'clock (May 11, 1945) Buniachenko's reconnaissance patrol reported the approach of the first Soviet tanks. The Soviet Tank Brigade made quarters three kilometers from the Americans. In this situation, Buniachenko drove to the American anti-tank obstacles and asked to be taken to the U.S. Commanding General, but was told that the General could not see him before 10 o'clock in the morning. Buniachenko was also told that he would then be informed whether or not the Vlasov Division would be permitted to cross over to the American lines. Buniachenko knew, of course, that the Soviets might advance in the early morning right to the American lines, overrunning the Division.

At this moment, something strange happened. When Vlasov's Colonel Artiemiev, the Commander of the Second Regiment, was looking for his Division Staff, he saw Soviet officers. On the spur of the moment he presented himself as a parliamentary agent. He was brought to the Commander of the Soviet Tank Brigade, Colonel Mischenko. This Soviet officer immediately guaranteed life and liberty to all those Vlasov troops who would voluntarily surrender to the Soviets. He wanted an immediate decision. Artiemiev pretended that he had to discuss this with Buniashenko and was released immediately. Buniashenko told him to go back to Mischenko and obtain a delay, at least until 11 A.M., and also to ask for a written guarantee.

It was 1 A.M. when Artiemiev reached the Soviet lines at Chwosdian. Colonel Mischenko wrote and signed a declaration, guaranteeing freedom to the Vlasov troops who would voluntarily surrender to the Soviets, provided that the Division would come with all their weapons.

Artiemiev had gained time. The Soviets would not move before 11 A.M.

In the meantime, General Vlasov had written a memorandum to the

Americans stating that all the leaders of the ROA were ready to appear before an international court. He stressed the fact that it would be a grave violation of international law if the Americans were to forcibly repatriate them to the Soviets, which would mean sure death. He explained that his Division should not be considered as volunteers in German service but as a political organization, a broad opposition movement, which should not be treated according to the law of war.* The American Captain Donahue transmitted Vlasov's memorandum by radio to the American staff. Shortly thereafter, Donahue told Vlasov that the American Commander in Chief had refused to accept the Division as prisoners of war. He could only advise them to try to reach American territory in small groups. Vlasov would be brought to the American Army Headquarters at 2 o'clock in the afternoon.

At 10 o'clock, Buniashenko was permitted to enter the castle at Schluesselburg where Vlasov informed him about the American decision. Buniashenko went back to the Division to convey the last order: DISMISSED!

Within a few minutes, a community which had hoped to be accepted by the Americans ceased to exist. Panic resulted. Shots were heard in the forest, where some committed suicide in order to escape forced repatriation.

Steenberg reports:

> Already during that night the great hunt started for the abandoned Vlasov soldiers. Special commandos of the Red Army chased them. The Czechs who, a few days ago, had celebrated them as liberators now murdered them or forced them into Soviet hands. About 10,000 were shot or fell into the hands of the Soviets. The others succeeded, for the time being, to escape into the American zone. But more than half of them were later extradited to the Soviets, too.[69]

Finally, at 2 o'clock in the afternoon, a column of eight automobiles started from the castle at Schluesselburg. In front and at the rear end of the column drove armored American reconnaissance cars, designating the column as an American transport. In the first car were Buniachenko and

* This reference to the "law of war" as reported by Steenberg, op. cit., p. 222, is implausible, for it does not recognize forced repatriation. Since the Vlasov troops surrendered in German uniforms, they had to be treated as German prisoners of war. This was officially recognized by Acting Secretary of State Joseph C. Grew in his diplomatic note to the Soviet Government of February 1, 1945.

Nicolaev. Vlasov rode in the last car of the column. With him were the driver, Antonov, and First Lieutenant Ressler, Vlasov's interpreter.

Two kilometers from the castle, the column was stopped by a Soviet car containing Soviet Battalion Commissar Jakushev and ROA Captain Kushinsky. To save his own life, the Vlasov Captain Kushinsky had betrayed the transport to the Soviet Commissar.

Kushinsky beckoned in the direction of Vlasov's automobile and Jakushev opened the door. Vlasov and Ressler left the car and walked to the U.S. officer at the front end of the column. Ressler implored him to stop the Soviets, since Vlasov was a prisoner of war of the Americans and on his way to the U.S. Army Headquarters.

As Steenberg reports, the American did not understand Ressler's poor English, or pretended not to understand it. When Jakushev saw that the American would not intervene, he aimed his pistol at Vlasov. Vlasov opened his coat and said: "Fire!" Jakushev answered: "Not I, comrade Stalin will judge you."

When Jakushev arrived with Vlasov and Ressler at the Corps Headquarters building, a victory celebration with American officers was coming to its end. Some Soviet officers rose when Vlasov entered the room. A colonel asked: "Are you Vlasov?" Vlasov nodded. The Soviet officer demanded that Vlasov sign a document of capitulation. Vlasov explained that his army did not exist any longer, that it was dissolved and disarmed. The Soviets insisted upon his signing the document, and Vlasov relented. Nothing seemed to be of any importance any more.

During the same night, Captain Donahue saved the Vlasov officers who had still remained at the castle. He drove them sixty kilometers into the U.S. zone of occupation, gave them plenty of food, and dismissed them. Among them were: Tensorov; Antonov; Vlasov's driver; the interpreter Rostovzeva and her husband, Major Saveliev; and Donarov, from the ROA's medical service, with his wife.

Steenberg reports another highly interesting episode of the tragedy. Shortly before Vlasov was taken away by the Soviets, Strik-Strikfeld and Malyshkin had a conversation with General Alexander Patch, Commander of the U.S. Seventh Army. According to Steenberg, Vlasov did not ask for his own safety, but he entreated General Patch at least to protect the others, explaining to the general the motives of the millions who had joined the liberation movement. He asked Patch for political asylum for these people. He appealed to the American people, who had always believed in the idea of freedom.

Patch—according to Steenberg—seemed to be impressed, but he could

not decide the issue, which was for the U.S. Government to determine. But he was ready to accept the surrender of the Vlasov troops under the same conditions as applied to the Germans. Malyshkin and Strikfeld were to convey this answer to Vlasov.[70]

However, the Americans did not release Malyshkin and Strikfeld. On the day of the German capitulation, they declared that the Vlasov generals no longer had the status of bearers of a flag of truce, but would from now on be regarded as prisoners of war.

If we follow Steenberg, the German Professor Oberlaender had more luck. He negotiated with U.S. General Kennedy, Commander of the Second Tank Corps. Kennedy was ready to accept the surrender of General Victor I. Maltsev's group and expressly promised not to repatriate them. He was resolved to do this on his own responsibility and not to report it to higher authorities. He insisted that the German General Aschenbrenner and Oberlaender meet with him two days later. On April 27, 1945, the members of the Vlasov Air Force Unit marched with white flags to Muensingen near Stuttgart, where they laid down their arms.

As Steenberg reports, General Kennedy's pledge was not honored. Most of the Russian officers and enlisted men, among them Maltsev, were later forcibly repatriated and transported to the Soviet Union.

The Replacement Brigade under the command of Lieutenant Colonel Sovodnikov, reached the area around Friedberg. There the U.S. Commander decided, on his own responsibility and against his orders, to issue safe conduct to small groups, allowing them to proceed to Munich. Within ten days, eight hundred Vlasov enlisted men and fifteen officers were saved.

Finally, all the various groups which had managed to escape the Soviets, assembled near Landau, northeast of Munich. Here, General Mikhail A. Meandrov (head of the KONR Air Brigade) implored Heinz Danko Herre, General Koestring's Chief of Staff, to go to Koestring, who was waiting in his house at Marquartstein to be taken into captivity by the Americans, and suggest he try to convince the Americans to protect all the Vlasov troops who had escaped the Soviets.

Koestring was pessimistic, a pessimism which turned out to be justified when he was brought to the U.S. POW Camp of the 101st Airborne Division, a few days later. There he was interrogated by American officers who showed not the slightest interest in the problems of the Vlasov troops. They were, according to Steenberg and other authors, interested in only one question: how Koestring and the Germans had been able to "force" the Vlasov troops to fight on the German side. They were convinced that

Vlasov and the millions of his followers had been coerced to fight with the Germans against Stalin. Such was their ignorance! To Koestring it appeared hopeless to explain the truth to these U.S. officers. Nevertheless, he said to the colonel: "We Germans surely have—through stupidity, insufficiency and ignorance—destroyed the greatest capital which has ever existed in the world in the fight against Bolshevism. . . . You will not understand now, when I tell you that you have destroyed this capital for a second time. . . . It may well be that you will desperately call in the very near future for what you have now destroyed." [71]

The "capital" General Koestring had in mind was the friendship and help of the Russian people in the struggle against Communism. We were squandering it by surrendering Russian patriots to Stalin's gallows and slave labor camps.

Anti-Communist Soviet nationals were forcibly repatriated not only from Germany, but also from Italy, France, Denmark, Norway, and even from Sweden and the United States.

Exact figures about the number of those forcibly repatriated may never be known. At least not until the archives of the Pentagon, as well as those of the war departments of Great Britain and France will be opened, which does not seem probable in the near future.*

But a good guess is possible. Steenberg writes that at the end of the war the German OKW (*Oberkommando der Wehrmacht*, or High Command of the Armed Forces) accounted to the Allies for about 700,000 such volunteer nationals (600,000 in the Army, 50,000 to 60,000 in the Air Force, and 15,000 in the Navy). In actual fact, the number must have been much higher, as many units did not report their *Hiwis*. Steenberg also adds to the total tens of thousands of refugees—men, women and children—who voluntarily went with the Germans when they retreated from the Soviet Union. To these figures one must add the prisoners of war and the so-called "Ostarbeiter," who though carried off by the Germans did not want to return to the U.S.S.R. after the war. "Altogether, 6–7 million Soviet nationals were repatriated. No statistics tell us how many went voluntarily, how many might have stayed in the West if permitted." [72] The most conservative guess as to the number of those who were forcibly repatriated is about one-and-a-half to two million Soviet people. The Vlasov followers and those who believed in him and wanted to join the liberation army comprised from 900,000 to one million.

* S. Steenberg, op. cit., p. 240.

Almost all were forced back into the Soviet Union. Those who survived ten years in the slave labor camps benefitted from the amnesty decreed by Premier Khrushchev in 1955.

Not until April of 1946 did the Allies repatriate the Vlasov Generals Meandrov, Sevastianov, and Assberg; Maltsev followed in May, Malyshkin and Shilenkov in June.*

On August 2, 1946, *Izvestia*, the official organ of the Soviet Government, carried the following dispatch:

> Proclamation of the Military College of the Supreme Tribunal of the S.S.R.
>
> The military tribunal of the Court examined the indictment against Vlasov, A.A., Malyshkin, W.F., Shilenkov, G.N., Trukhin, F.I., Sakutny, W.I., Buniachenko, S.K., Sverev, G.A., Korbukov, W.D. and Shatov, N.S., on account of treason as well as active espionage and terroristic activities against the Soviet Union in the service of the German Intelligence Service, crimes enumerated under S 58–11 of the IK RSFSR.
>
> In accordance with point one of the decree of the presidium of the Supreme Soviet of the S.S.R. of April 19, 1943, the Military College of the Supreme Court of the S.S.R. condemned the accused to death by hanging.
>
> The sentence has been carried out.

* Each attempted suicide. They did not succeed. After being treated and rehabilitated by the best American and British Army doctors, they were deported to the Soviet Union.

6 Bleiburg and Lienz

The British Role in Operation Keelhaul

I. Bleiburg

At the end of World War II, two important instances of forced repatriation occurred in Europe, both of them in Austria and both involving the British. The first has come to be known as the "Bleiburg Tragedy." The second happened at Lienz.

What took place at Bleiburg, a small town in the Carinthian Alps?

At the end of World War II, Croatian soldiers and civilians, under the leadership of the "Ustashi," fled from the onrushing communists under Tito. They feared the worst from Tito's partisans. The Ustashi had, after all, looked upon the German invasion of Yugoslavia on April 6, 1941, as the long awaited opportunity to create their own "independent" state of Croatia.

There is no doubt that the Croatian Ustashi committed horrendous crimes against humanity from 1941 to 1945 in the territory they ruled under Nazi and Italian Fascist supreme control. The question is whether or not their forcible repatriation by the British to their enemy, Tito, was legal under international law. It is one thing to arrest thousands of Croatians and try them for crimes committed, but it is quite another to extradite them wholesale into the hands of a ruthless Communist.

According to the testimony of Joseph Hecimovic,[73] this is what happened:

> The largest column of approximately 250,000 soldiers and civilians, after crossing the Austrian border, headed for Klagenfurt. This column, as witnessed by many survivors, was stopped at Bleiburg by numerous British tanks and airplanes. A delegation of high ranking British officers, acting on the orders of Marshal Harold Alexander, commander of the British troops in Austria, spoke at Bleiburg to the Croatian Chiefs of Staff: 'All Croatian troops are to surrender and return to Yugoslavia!' They assured our commanders that the British and Yugoslav Government had made an agreement

according to which all Croatian prisoners of war would be treated by international laws and set free. All civilians would be immediately escorted home. Furthermore, the British warned: 'If Croatian troops resist and fight their way through, the British tanks and airplanes will open fire!'

It is thus that our commanders and an overwhelming majority of soldiers, who have never fired a single shot against the Western Allies, were compelled to surrender. After the British had disarmed almost the entire Croatian Army at Bleiburg and elsewhere in Austrian territory, it was extradited to the Tito Communists.[74]

Whether or not there was an agreement between the British and the Tito forces, allegedly concluded at the Bleiburg castle, has never been proved. Certainly it has not been published. If there was such an agreement, one must ask why it has never been published, and how the British could ever have been so naive as to believe that Tito would honor it?

According to John Prcela, Chairman of a Committee for the Investigation of the Bleiburg Tragedy, who wrote the introduction to the Hecimovic book:

> The most horrible aspects of the Bleiburg Tragedy were the 'Death Marches' organized by the Seventh Brigade of the Seventeenth Partisan Assault Division and led through many cities, towns and villages of Slovenia, Croatia, and Serbia. Tens of thousands of Croatians were grouped in a number of columns, their hands tied with wire, in typical Russian style. Then, starved, thirsty, emaciated, disfigured, suffering and agonizing, they were forced to run long distances alongside their 'liberators' who were riding on horses and in carts. Those who could not endure such a running 'march' were stabbed, beaten to death, or shot, and then left along the roadside or thrown into a ditch. Thus, very few Croatians reached the final destination of their 'march.'
>
> Another brutal aspect of the Bleiburg Tragedy concerns the fate of the wounded Croatian soldiers in hospitals or on vehicles heading toward Austria who were tortured and dismembered by the Tito Communists and their bodies thrown into ditch or river graves.
>
> A consequent action to the many massacres committed by Tito's 'liberators' of Yugoslavia was the leveling off of the grave sites of these tragic victims and in addition the dishonoring and destruction of previous existing Croatian military cemeteries. . . .
>
> The many concentration camps set up throughout Slovenia, Croatia, and Serbia constitute another very tragic page of the Bleiburg Tragedy because of the agonizing tortures and sufferings which still take place in these camps which represent a long epilogue of this genocide.[75]

2. Lienz

As a prelude to the forced repatriation of the Cossacks at Lienz, it is relevant to go back to June 22, 1941, when more than three million German soldiers swept across the Polish-Russian border. To the surprise of the Nazis, they were greeted not with the expected fierce resistance, but as liberators from the yoke of Bolshevism by an overwhelming majority of the population. In every village the Germans took, they were offered bread and salt—the traditional Russian ceremony to welcome visitors.

This behavior of the Russians may have shown naiveté and a complete ignorance of the true character of Hitler's march into the Soviet Union, for its aim was certainly not to "liberate" the Soviet people but to conquer and suppress them. It was, nevertheless, a significant fact of history.

Historians have repeatedly pointed out that one of the biggest blunders made by the Hitler regime was not accepting the Russian anti-Communists as allies, and not making use of the Soviet people's attitude of welcoming the Germans as liberators.

On August 22, 1941, two months after Hitler's attack on the Soviet Union, the first wholesale defection of Cossacks took place when the 436th Cossack Regiment, under the command of Major Ivan Nikitich Kononov, went over to the Germans, near Mogilev, U.S.S.R.

In spite of the fact that Hitler had decreed that none but Germans were to be permitted to bear arms,[76] many of his front-line commanders defied his orders and, instead of condemning the Red Army defectors to Nazi POW camps, organized them into fighting units within the German Army. These defections took place in many areas, so that by the end of the war more than 266,000 Cossacks (not including refugees) were fighting against the Communists.[77]

At the end of hostilities in 1945, there were more than thirty thousand Cossacks assembled in and near Lienz, in the Austrian Eastern Tyrol, including thousands of Cossack wives and children, and many old émigrés who had left Russia between 1917 and 1920. By no stretch of any imagination could these old Russian émigrés fall under the Yalta Agreement or any other compact on repatriation. Nevertheless, they too were forcibly repatriated on June 1, 1945, the day of the Lienz tragedy. The extradition of these old Russian émigrés, who had already spent more than a quarter of a century in the West, surprised even the Soviet Repatriation Commission, to which they were handed over in May and June of 1945.

Among the few available sources for the British Operation Keelhaul

at Lienz, one of the best seems to be the description by Joseph Mackiewicz in *Tragoedie an der Drau oder die verratene Freiheit*[78] (Tragedy on the Drau or Freedom Betrayed).

The Ataman of the Kuban Cossacks, General V. Naumenko, one of the few survivors of the Lienz Tragedy, has written a documented study, *The Great Betrayal*, consisting of twelve manuscript volumes in Russian, not as yet published in English.

The story of Lienz itself begins on May 20, 1945, when the British Major Davis, in charge of the Cossack camp at Peggetz, a suburb of Lienz, invited all writers and journalists among the Cossacks to attend a meeting the next day at Lienz. The stated purpose of the meeting was the creation of a Cossack periodical. Twelve persons arrived. Major Davis asked his interpreter to read a declaration relative to the program of the planned periodical, which should serve to improve relations between the British and the Cossacks. As Davis said, the necessary funds had been secured, including special funds for salaries and honoraria. The Cossack writers and journalists welcomed Major Davis' plan and agreed with all the details.

Then Major Davis said: "I am asking now for a complete list of journalists, giving all birth places and exact information about their present locations, for instance the number of the barracks, etc."

Accordingly, the Russian editor Evgenij Tarruski compiled the list. (He was one of the first to commit suicide when the British betrayal became obvious and brutal force was used to load the Cossacks onto British trucks which took them to Judenburg where they were handed over to the Red Army.)

On May 23, 1945, many refugees fleeing from the Bolshevists arrived at Lienz, together with the Fifth Cossack Replacement Training Regiment.

On May 24, several armed British soldiers approached Cossack horses grazing nearby and selected some of the most valuable. Their owners protested to their superior, the Cossack Ataman Domanov, who sent an officer to the British staff at Lienz. The officer returned shortly with the British answer: "The Cossacks are prisoners of His British Majesty. Their horses are the property of His Majesty."

The British answer was in accordance with the Geneva Convention of 1929, which provides (in Article 6) that prisoners of war will keep possession of their "personal effects and articles in personal use—except arms, horses, military equipment and military papers."

However, since Major Davis had previously assured the Cossacks of their special status, even allowing them to keep their weapons, the British answer was disturbing.

On May 25, 1945, a truck arrived at the entrance of the Cossacks' field bank in Lienz, with armed soldiers from the Eighth British Battalion. They asked for the keys and the surrender of the money belonging to the Cossacks. The bank official protested, saying that the bank kept only the private savings of the Cossacks and their families, and that these funds were private property. The British sergeant referred to an order from higher British authority and ordered the soldiers to load the safe, which contained about six million Italian *lire* and about the same amount in German *reichsmarks*, onto the trucks. These funds have never been returned to the Cossacks.

From that moment, events followed rapidly. One, interpreted by the Cossacks as a hopeful sign, was the arrival of General Andrej Grigorevitch Shkuro, well known for his anti-Bolshevist exploits in 1917, and whom the Kuban Cossacks venerated as a national hero. It was also known that General Shkuro, who emigrated after World War I, had never become a Soviet citizen. Therefore, he was not believed to be in danger of being forcibly repatriated. Moreover, he had close friends in British military circles and had previously been awarded one of the highest British orders.

General Shkuro was entertained at a banquet given by Ataman Domanov on May 27 which lasted until 3:00 A.M. At 6 A.M., a British military car appeared at General Shkuro's billet and arrested him.

On May 28, the British ordered all Cossack officers, military officials, and physicians to attend an important conference with higher British officials. They were especially concerned that General Krasnov should be there. Major Davis told the Cossack officers that they should not take their coats since they would be back by six in the evening. Their families were also informed, so that they would not worry.

When an English lieutenant observed a certain nervousness among the Cossack officers boarding the bus, he said: "I assure you on my word of honor as a British officer that you are just going to a conference."

Another British officer reassured them in the same manner.[79]

Altogether, 2,749 Cossacks, of whom 2,201 were officers, were sent to the so-called conference. British soldiers, armed with machine pistols, sat beside the truck drivers. Some of the men were suspicious; five jumped out of the trucks and escaped into the woods. The transport approached the Austrian town of Spittal and suddenly entered a prisoner of war camp

enclosed with barbed wire. Heavily armed British officers and soldiers stood about.

Here are the further developments, according to the same source:

A representative of the British Army declared: 'Please inform all officers that in accordance with the agreement concluded between the military authorities of the United Kingdom and the Soviet Union all officers will be put at the disposal of the Soviet military authorities. The departure from Spittal will take place tomorrow at four o'clock in the morning.'

A Cossack General asked: 'When was this agreement signed?'

'On May 23, of this year.' *

One Cossack officer remarked: 'The NKVD or the Gestapo would have slain us with truncheons, the British did it with their word of honor.'

The first to commit suicide by hanging was the Cossack editor Evgenij Tarruski.

The second was General Silkin who shot himself.

The trucks that were to have arrived next morning at four o'clock did not arrive until six and the Cossacks refused to board them. British soldiers with pistols and clubs began using their clubs, aiming at the heads of the prisoners. They first dragged the men out of the crowd and threw them into the trucks. The men jumped out. They beat them again and threw them onto the floor of the trucks. Again, they jumped out. The British then hit them with rifle butts until they lay unconscious and threw them like sacks of potatoes in the trucks. Now, the others gave up resistance and boarded the trucks.

Some British soldiers ground their teeth and closed their eyes. They loathed this massacre. Others beat the Cossacks with fury and madness. There was one British soldier who had tears in his eyes. Another one carried a basket and offered those in the trucks cigarettes for their wrist watches. They took the cigarettes and threw their watches into the basket.

At eight o'clock in the morning the loading was completed. In each truck were from thirty to fifty persons. Altogether four staff buses and fifty-eight ordinary trucks were used. The transport was accompanied by 25 light tanks, 105 KRAD sharpshooters, 140 drivers and co-drivers, armed with machine pistols, 70 soldiers with the same arms, who stayed on the trucks with the Cossacks. In front of the transport as well as at the end armed groups of thirty to sixty soldiers drove in armed trucks. Altogether there were 310 machine pistols, 125 machineguns, and 21 light field pieces.

The convoy transported more than 2,000 officers from Spittal. Only thirty-two percent of them were former Soviet citizens, sixty-eight percent were old émigrés who had never acquired Soviet citizenship. And their status had never been changed. [No British-Soviet agreement covered these émigrés. Their extradition was even a greater crime than the repatriation of the others.]

* (At the time of this writing, the agreement referred to has not been published.)

The convoy drove in the direction of Judenburg. Later, the story was told that two officers poisoned themselves during the transport and nineteen tried to escape. Probably only four suceeded in reaching the woods. Fifteen were shot by British soldiers.

That was the end of the 'conference' at Spittal.[80]

At nine in the morning on May 29, the day after the "conference," a deputy of Major Davis back at the camp at Peggetz, near Lienz, gave an interpreter an official British leaflet carrying an appeal to the Cossacks and ordered its immediate distribution. It read:

Cossacks!

Your officers have lied to you. They have misled you. They have been arrested and they will not return. Freed from their influence and their pressure, you are now free to denounce the lies they fed to you. You are free to express your will and your endeavors. It will now be possible for every one of you to return to the fatherland. . . .[81]

As Mackiewicz states, in the summary of his book that follows, the Cossacks had no doubt that the instrument had been written, or at least edited, by the Soviets. It concluded with the request to obey British orders.

At ten in the morning, Major Davis announced that the repatriation of all Cossack regiments, including their families, would start at seven in the morning on May 31.

Although deprived of their officers and leaders, the Cossacks decided to put up passive resistance.

They declared a hunger strike. They distributed placards throughout the camp with the English text: "We prefer to starve rather than return to the Soviet Union."

Black flags were hoisted. Emergency altars were built throughout the camp and priests began services which lasted all day and night. Everybody confessed and took holy communion.

Petitions were written and addressed to King George and the Queen of England, to the Archbishop of Canterbury, to Prime Minister Churchill, to the Pope, King Peter of Yugoslavia, General Eisenhower, and to the parliaments of all democratic nations. New addresses were constantly proposed. The British accepted the petitions, but Major Davis threw them into the wastebasket.

On May 31, the Catholic holiday of Corpus Christi, Operation Keelhaul was postponed for a day because the Austrian local priests pointed out to the British that all difficulties should be avoided on such an occasion, especially an action that offended divine and human rights.

On the evening of May 31, the British cut off the water in the barracks.

At dawn on June 1, a tremendous procession went to an altar set up on the main square of the camp. Priests, garbed in their most ceremonial vestments, preceded it. There were thousands of crosses, flags, burning candles, and holy books.

During the service, British tanks approached and heavily armed troops surrounded the camp. They belonged to the Argyll and Sutherland 8th Battalion, supported by the West Kent 5th Battalion. Both battalions belonged to the 36th British Brigade. The tanks used in this British Operation Keelhaul belonged to the 11th British Tank Division.

Suddenly, the British soldiers plunged into the Cossacks and their families and began beating them with rifle butts on their heads, shoulders, arms, and faces. The retreating crowd pressed against a wooden fence, which broke down. But there stood the tanks. The Cossacks tried to flee. Shots at their feet wounded them. The injured were collected and thrown into the trucks. Shots from other nearby camps were heard. Many fled into the woods or jumped into the Drau River. Thousands of horses dispersed throughout the valley.

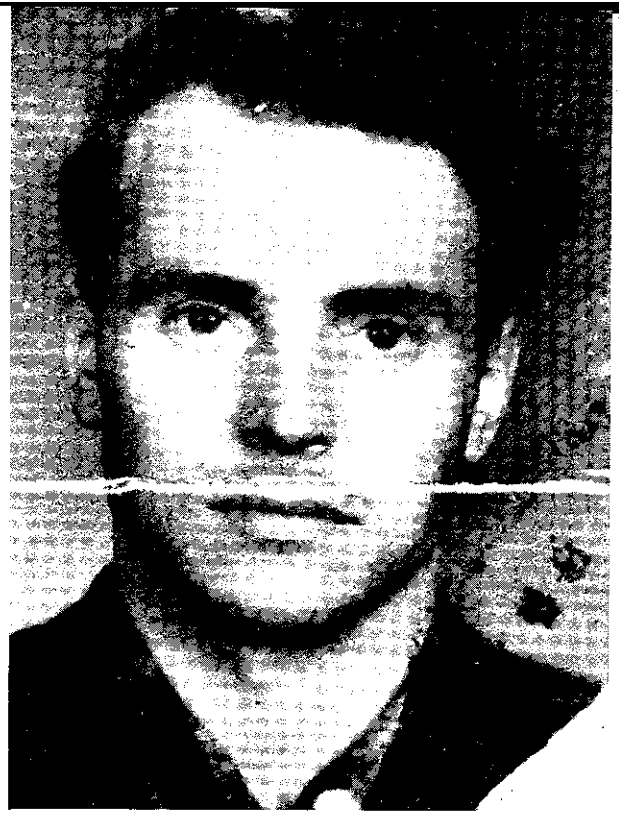
The Austrian peasants of the villages who witnessed the spectacle first made the sign of the cross, but they soon started looting the tents of the Cossacks and stealing the remaining horses and cattle. Church bells pealed. In nearby Doelsach, a black flag was hoisted on the church spire. The British ordered it taken down.

As Mackiewicz reports, there were many honest soldiers among the British. The story was later told that one of them said to a Cossack, in broken Russian: "Don't surrender. They have no right."

A British soldier reported that a little girl came to him with a note, saying: "Kill us, but don't surrender us to the Bolshevists." With difficulty, the soldier deciphered the note, put it in his pocket and began to cry.

Many Cossacks threw themselves under British tanks. Along the Drau River from Lienz to Oberdrauburg, a real battle was waged. Those who tried to escape to the mountains were shot. Untold numbers of soldiers, women, and children drowned in the river.

At five in the afternoon, Major Davis appeared and addressed the few remaining Cossacks:



Simas Kudirka, Lithuanian seaman who tried to escape, and the woman believed to be his wife. Photo, taken from the Soviet identification card which he carried, was released by the House Foreign Affairs subcommittee.

(U.P.I. Photo)

Churchill, Roosevelt and Stalin at Yalta, where they made the secret deportation agreement. Standing directly behind the three: Eden, Stettinius, Molotov.
(Sovphoto)

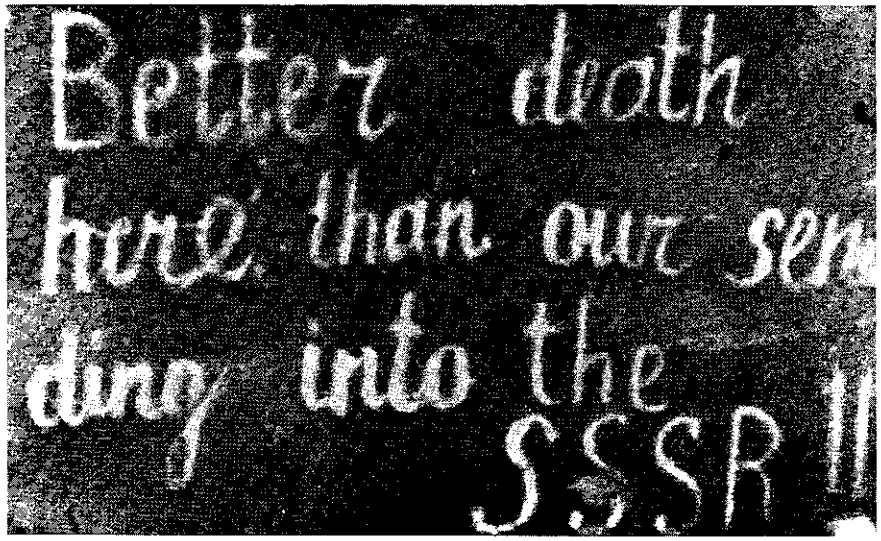
General Andrey A. Vlasov, Leader of the Russian Liberation Army, who was executed by hanging and whose severed head was exhibited in Red Square.
(Sven Steenberg: "Vlasov")

General V. G. Naumenko, Ataman of the Kuban Cossacks, who managed to escape deportation to tell the Cossack story in his book, *The Great Betrayal,* still awaiting an English translation. The General now lives with his son-in-law in Blauvelt, N.Y. This, and photos not otherwise ascribed, are from his book.

(*Right*) Lt. Colonel Nicholas G. Nazarenko, son-in-law of General Naumenko, shown in field uniform as Squadron Commander of a Don Cossack regiment, with his aide and German interpreter. Ordered repatriated, he escaped from an American prison camp at Kempton, Bavaria. Photo taken in Yugoslavia, where Cossack horse cavalry fought Tito.

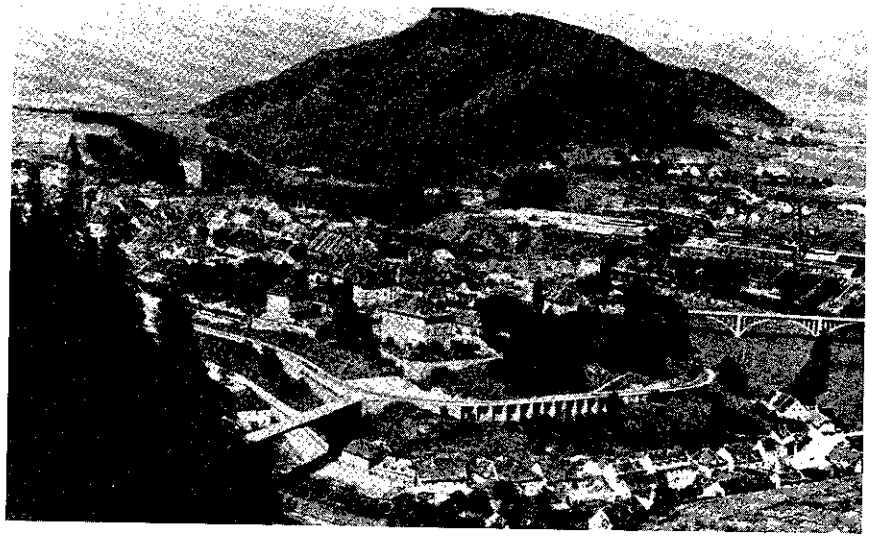
Cossack soldiers taken prisoner by the Germans in 1941, who later defected and joined other Cossack units attached to the German Army.

(*Right*) Cossack soldier with his mount. In March, 1943, the Cossacks, who claim to be a separate nation, formed a fighting regiment from personnel in German prison camps. Soon, six such regiments became a Division, which saw action against Tito's communist forces. In the autumn of 1944, three Cossack divisions formed a Cavalry Corps. Almost 80,000 Cossacks were involved.



Sign protesting forced repatriation displayed in Cossack barracks at Peggetz, Austria.

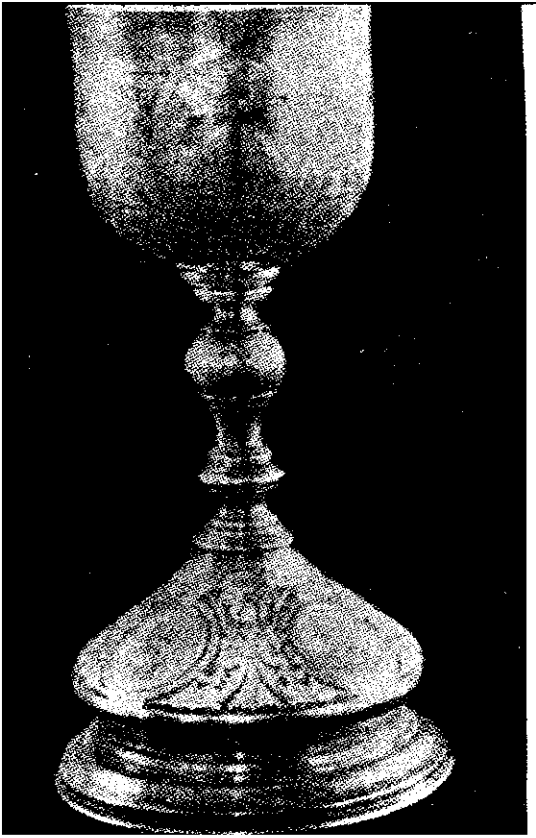
Opposite (*top*) Disarmed Cossack units enter British POW Camp (Austria) before being turned over to the Soviet Army at Judenburg, minus horses and in British trucks into which they had been forcibly loaded.



(*bottom*) Judenburg, Austria. Idyllic backdrop for stark betrayal.

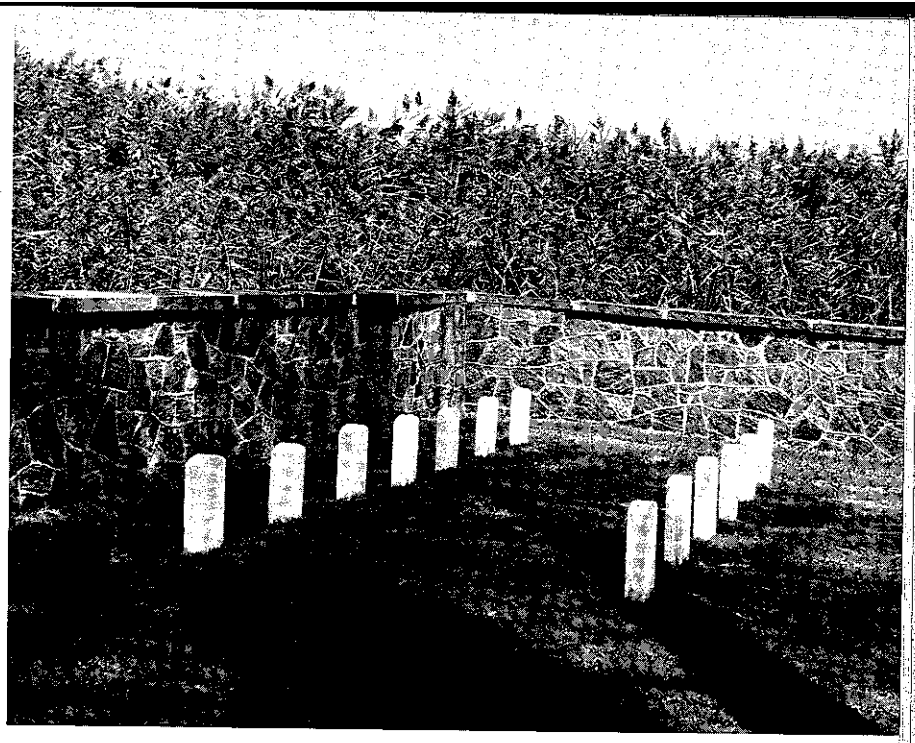
Major General Helmut von Pannvitz, the German who commanded the Cossack Cavalry Corps. He was greatly admired by the Cossacks, especially for his resistance to Himmler, who tried to make the Corps an S.S. unit.

"The Last Betrayal"
A painting by S. G. Korolkov, which hangs in the Cossack Home, Farmingdale, N.J. A dramatic version of the repatriation of the Cossacks, June 29, 1945.



Silver chalice from which Cossacks received last communion before deportation. Taken at Lienz, Austria.

Monument honoring the victims of Allied betrayal at Lienz, Austria.



In June, 1945, at Fort Dix, New Jersey, 154 Cossack POWs were ordered repatriated. Three of them chose suicide rather than a return to Stalin's firing squads. They are buried in the National Cemetery at Salem, N.J. along with other war prisoners who died of illness or wounds.

The three foreign ministers sign the Protocol of the Yalta Conference on February 11, 1945.

(Sovfoto)

Marshal Stalin and Prime Minister Churchill between formal sessions at Yalta.
(U.S. Army Signal Corps.)

Truman, Churchill and Stalin at Potsdam; when Truman succeeded Roosevelt, the forced deportation had already taken place.

(*U.S. Army Signal Corps*)

"Cossacks. I am deeply impressed by your heroic attitude. But, according to the agreement, all those must be repatriated who were Soviet citizens on August 1, 1939. Those who are in the possession of documents to prove that they did not live on Soviet territory before that date should produce them."

Why didn't the British tell the Cossacks this in the beginning? Thousands of them, especially the old émigrés who had lived in Germany, France, and Yugoslavia for twenty years, or even longer, had never been Soviet citizens. They all had left Russia between 1917 and the late twenties. Even under the secret Vienna Agreement, they could rightfully claim asylum.

The next day, June 2, 1945, the Cossacks of Lienz and Peggetz were handed over to the Red Army.

On January 7, 1947 *Pravda* carried the following announcement:

The Military College of the Supreme Court of the U.S.S.R. has heard the case of the prosecution against arrested agents of the German Intelligence Service, leaders of armed White Guard units during the Civil War—Ataman Krasnov, P.N., Lieutenant General of the White Army; Shkuro, A.G., Commander of the "Wilde Division";—Major General of the White Army Prince Sultan-Ghirey, Kelitch; Major General of the White Army Krasnov, S.N.; and Major General of the White Army Domanov, T.I.; and also General of the German Army von Pannwitz, Helmuth, of the S.S.; who, on orders from German Intelligence during the Patriotic War, struggled together with the aid of White Guardist units formed by them against the Soviet Union and carried out spying, diversionist, and terroristic activity against the U.S.S.R.

All the accused acknowledged the guilt of their crimes.

In accordance with paragraph 1 of the Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. dated 19 April 1943, the Military College of the Supreme Court of the U.S.S.R. sentenced the accused Krasnov, P.N.; Shkuro, A.G., Sultan-Ghirey, Krasnov, S.N., Domanov, T.I., and von Pannwitz to death by hanging.

The sentence has been carried out.

The allegation that all accused "acknowledged the guilt of their crimes" is probably a lie. If the accused had been willing to "confess," there can be no doubt that Stalin would have staged a public trial, as he did in the thirties when all the accused who had "confessed" were publicly tried.

In any case, it must have given Stalin great satisfaction to have men such as old General Krasnov, who had indeed played a role after the Bolshevik Revolution in fighting Lenin's regime along with British Mar-

shal Alexander, with the full approval of Winston Churchill, hanged in a Moscow prison. Sweet vengeance after thirty years!

What about the other Cossacks delivered to Stalin by the British in violation of international law and in spite of untold solemn promises and "words of honor" never to repatriate them?

They were all sent to Soviet prisons and slave labor camps.

In January 1955, the British M.P., Captain Henry Kerby (Conservative Party, Arundel and Shoreham Division), who was born in pre-revolutionary Russia, rose in the House of Commons to request the release of the truth about the British Operation Keelhaul. He was immediately considered out of order and his request declared "inadmissible" because, as he was told, it was an "historical" question and must await official action by the Government.*

The British have not yet published the diplomatic records upon which their repatriation program was based, including that most important secret agreement of May 23, 1945, concluded in Vienna.

Eighteen years later, however, *The Sunday Oklahoman* of January 21, 1973, made a number of long-awaited disclosures in the following article—"Document Tells Allied Part in Deaths of Thousands"—which appeared under the by-line of Jack Taylor:

> A former White House consultant has provided The Sunday Oklahoman with a secret document exposing for the first time what appears to be Allied complicity in the deaths of thousands of unsuspecting, liberated prisoners of war and displaced persons after World War II.
>
> The document, a 10-page British Army report, is believed to be part of voluminous Anglo-American files on the forcible repatriation to the Soviet Union of an estimated 2- to 5-million unwilling anti-Communists between 1944 and 1948.
>
> The files, codenamed Operation Keelhaul, are still kept under tight security in London and Washington as virtually the last major secret of World War II.
>
> The secret British report summarizes one repatriation operation in Italy in which Russian POWs and DPs were turned over to the Red Army and

* In a letter of February 9, 1956, Captain Henry Kerby wrote to me: "Thank you for your letter of February 6th. I am sorry to disappoint you, but I can send you no Hansards, etc., since despite my repeated efforts to get down some questions on this subject, all were disallowed as being out of order. The excuse was that I was dealing with matters of 'historical *fact*' (Kerby's emphasis) which are not allowed here. . . ."

almost certain execution after being duped by the British into believing they would be given asylum in the west.

It tells of the agony and horror experienced by the prisoners and urges allied commanders in Rome to classify as political refugees any Russians refusing repatriation. It contends British prestige was at stake.

The document was provided by Julius Epstein of Palo Alto, Calif., a professor of international law and international relations at Lincoln University in San Francisco.

A member of the White House Conference on Refugees during the administration of former President Dwight D. Eisenhower, he is a recognized specialist on repatriation.

Epstein has brought two federal court suits against the Secretary of the Army in an effort to force release of the Operation Keelhaul files.

One suit was carried unsuccessfully to the Supreme Court. A second suit was filed recently in Washington with Epstein joined by two other scholars—Bertram D. Wolfe, a professor of Russian history and senior research fellow at the Hoover Institution on War, Revolution and Peace in Stanford, Calif., and Lev E. Dobriansky, a professor of economics at Georgetown University in Washington.

The secret document provided by Epstein is a report to Allied Forces Headquarters in Rome by the Headquarters of the 218 Sub Area, a British displaced persons camp at Riccione, Italy, on a forcible repatriation effort in May 1947 codenamed Operation Eastwind.

The Sunday Oklahoman spent five months in an effort to authenticate the document and ask American and British authorities for declassification or comment.

An unsuccessful effort was even made to obtain additional information from records in the town hall at Riccione.

A Pentagon spokesman referred the questions to the British Army Staff since the document is of British origin, even though it supposedly came from Anglo-American files in U.S. custody.

A spokesman for the British Army Staff in Washington said authorities in London were unable to trace the document and 'cannot therefore verify authenticity.'

Such a response does not necessarily mean the document is not authentic, however. The Pentagon had been asked by *The Sunday Oklahoman* earlier for four specific documents from the Keelhaul file and claimed only three could be found, although all four had been printed in the Congressional Record.

Epstein, who claims he received the document from an anonymous source, said he has verified its authenticity through five different scholars familiar with Operations Keelhaul and Eastwind.

Extracts from the documents follow:

The fact that in the final event no resistance was offered and the arrangements for removing the Russians went off so smoothly is primarily due to the circumstances that after having remained unmolested in British hands for two years, they had allowed themselves to be lulled into a false sense of security and they were therefore taken completely by surprise.

The Russians had such blind faith in the British not throwing them to the wolves that they did not realise they were being repatriated until it was too late to resist.

Contributory factors to the Russians being taken so utterly off their guard . . . built up the morale of the Russians and strengthened their pathetic and ill-founded confidence in the British Government not 'letting them down' . . .

Major Ivanov's (Russian leader in Cage 7) tactics were based on the belief that if the Russians in his charge behaved themselves in an exemplary manner and made a good impression on their custodians, they would eventually stand a better chance of being accepted as permanent emigrants with proven qualities of good citizenship. Major Ivanov miscalculated, however, and actually played into our hands by adopting this policy.

The fact that once the more restless (and more cynical) elements routed to this enclave under Operation Keelhaul had escaped, escapees from the Russian cage were negligible over a long period prior to Operation Eastwind, is indeed the strongest tribute to Major Ivanov's influence over his men and of course to their ill-founded belief that the British would not deny them the time-honoured rights of sanctuary attaching to political refugees from countries where the liberties of the individual are disallowed by authoritarian government.

This faith was, ironically enough, only strengthened by the kind and sympathetic treatment naturally accorded to the Russians in their status as PW/SEP by all British personnel responsible for dealing with their affairs . . .

The business of dealing with the Russians and of trapping them if necessary, during screening, into the admission that they were indeed Soviet citizens and former members of the Wehrmacht into the bargain, was rendered an extremely distasteful task to one who knew that a large proportion of these people would sooner or later be sent to their doom in consequence of their very honesty (or naiveté) in confessing that they had been soldiers (thereby rendering themselves liable for repatriation) and not mere civilians.

Knowing as one did what the future held in store for them, one was virtually living a lie in attending to their welfare and compassionate problems . . .

The bulk of these men were not war criminals, adventurers, or even intelligent persons capable of realizing all the implications of having served with the German Armed Forces.

They were mainly simple peasants with a bitter personal grievance against the 'Bolsheviks'. In many cases they had enlisted in the German Army in order to save themselves from dying of disease or starvation in German concentration camps.

Many of them too had suffered persecution at the hands of the Soviet authorities during the process of communising Russia and their personal reasons for abhorring the Communist regime were so genuine and of such long standing that it would be impertinence on the part of an outsider to set himself up lightly in judgment of their actions during the War . . .

The decision to repatriate the one category (military personnel) and not the other (civilians) was essentially an arbitrary one, based on academic and discriminatory, though convenient, principles . . .

In short, the policy of repatriation as implemented in Operation Eastwind seems to have been based on the principle that an adequate number of bodies of a certain shade of colour should be handed over to Soviet authorities in order to appease the claims of the latter; and honour now being satisfied, it follows that the Russians still remaining in this theatre should be relieved immediately of any further anxieties as regards their future, by being transferred without delay to civilian camps . . .

(The Russians) were all given the same treatment; treatment reserved in the case of every other national for war criminals alone—that of being extradited and handed over against their will to captors who, incidentally, are not expected to give them a fair trial.

For this reason no amount of arguing will erase the feeling of humiliation in having had to participate in an operation of this sort.

It went against the grain for we had clothed, fed and sheltered these men for two years. They had been employed as grooms with British regiments. They had worked in British messes and canteens. They had been batmen to British officers . . .

Yet after enjoying two years of British hospitality, they were thrown to the wolves, leaving those who had known them with the uneasy feeling that it was our own humane and decent treatment of them which had gained their confidence and which had hardened them in their resolution against being repatriated . . .

Although bitterly disillusioned when, on arriving at Riccione station, they realised the object of the exercise, the Russians showed no active resentment.

They were mostly too dazed to react very strongly. Maj. Ivanov's comment when he realised the full implications of the special arrangements made to entrain his men, and saw that razor blades, knives, etc. were being removed from their kits, was simply 'So you are sending us to our death after all. I believed in you. Democracy has let us down.' A fitting epitaph to a distasteful operation . . .

Prior to entraining, families whose menfolk were liable for repatriation . . . were given 24 hours in which to decide whether the males should travel alone or whether their dependents should accompany them.

As soon as this macabre proposition was put to them, it was immediately obvious that husband and wife, by being obliged to make a decision of such fatal importance, had been placed in an intolerable position.

The husband could not, in good conscience, require his wife and children to accompany him to his doom. His wife, on the other hand, by volunteering to go with her husband, would have her own blood and that of her children on the husband's hands; while by declining to accompany him, she would place herself in a morally indefensible position according to the tenets of her religion and of her marriage vows.

Very painful scenes of real agony ensued and were endured for 24 hours . . .

The fact that not one husband consented to his wife and children accompanying him, whether the wife was willing or not, is sufficient proof of the terror with which they viewed the prospect of being handed over to the Soviet authorities.

The attitude of the men was summed up by one of them as follows. 'Please shoot me now—that I may die a merciful death and not end my days under torture.' . . .

Breaking the news to these families that they were to be repatriated seemed equivalent to delivering a death sentence . . .

Now that the damage has been done, it is essential that constructive measures be taken immediately to release and rehabilitate the surviving Russians in this enclave . . .

Their agony of the mind will continue unless and until it is decided on the highest level to accept them once and for all as political refugees and to set about the task of rehabilitating and employing them in useful production in surroundings where they can feel themselves secure . . .

Our prestige is at stake. Though the numbers involved are few, the principles at issue are great.

We return now to the efforts—fruitless and pathetic—of the victims caught up in the net of Operation Keelhaul.

In December of 1957, the "Union of Cossack Emigrés of 1920," whose members had returned from Soviet concentrations camps in 1956 and 1957 sent a petition to Her Majesty, the Queen. This document, touching in its simplicity and optimism, reads as follows:

Union of Cossack Officers
emigrated in 1920 who returned from
the Soviet concentration camps in
1956/57.
Vienna XVI.
Wattgasse 8/I

To Her Majesty
Queen Elisabeth II of Great Britain

Your Majesty,

We are Cossack officers and old Russian emigrants since 1920. On May 28th, 1945, we were quite undeservedly delivered into the hands of the Red Army in the town of Judenburg by your Majesty's Armed Forces, i.e., Lieutenant Colonel Malcolm and Major Davis of the 8th Army.

Only a few of us were able to survive and to return to the free West after having served long sentences in Siberia. We have grown old and contracted sicknesses there and are now unable to work. Therefore, we beg your Majesty to assist and help us in some way you will find possible. The list of persons who returned from Soviet concentration camps is given below: [The list does not include all the officers who returned, but only those who belonged to the Union at the time of the petition.]

1) Colonel Protopov, Alexander
2) Colonel Somov, Boris
3) Colonel Belov, Ivan
4) Captain Kalushni, Andrei
5) Yukshinski Vladislav, Captain
6) Captain Protopov, Boris
7) Viatkin Fedor, Captain
8) Captain Avdeev, Piotr
9) Captain Petrovski, Anatoli
10) Lieutenant Sergern-Korn, George
11) Lieutenant Beletzki, Andre
12) Lieutenant Hailo, Danil
13) Lieutenant Sova, Piotr
14) Lieutenant Durnovo, Nikita

We remain, your Majesty, most respectfully.

The President of the Union
(signature)

Alexander Grekow, General
Deputy President
Protopov Alexander, Colonel
Secretary of the Union
Somov, Colonel

Queen Elizabeth's answer, under the signature of R. H. Tenison, arrived seven months later. It said that the letter of the Union of Cossack Officers had been "carefully considered in London, but it is regretted that no action to assist the persons listed in your letter is possible."

Another and more appropriately written petition was addressed to the Queen by the British author Peter J. Huxley-Blythe on behalf of the returned Cossacks:

PETITION *

We, the undersigned, are Cossacks who fought against Communism in Russia from November 1917, until 1920. In December 1920, we were forced to emigrate with the Army of General Wrangel to Yugoslavia. There, King Alexander received us warmly, finding work for all the soldiers and granting generous pensions to the aged.

In October 1944, we were again forced to leave our homes, our second homeland of Yugoslavia, fleeing before the Communists to find refuge in Lienz, Austria. There we were arrested by British troops and handed over to the Red Army at Judenburg, Austria, on the 29th May, 1945.

We were arrested on the orders of General Alexander of the 8th British Army while the extradition to the Red Army was organized by Lieutenant Colonel Malcolm and Major Davis. When we were arrested they gave us their word of honor that we would not be handed over to the Red Army. In spite of this we were extradited. Those who did not go voluntarily or tried to escape were either shot or beaten with rifles. British soldiers searched us and took our watches, money and other valuables.

On May 28, 1945, at 6:00 P.M. we learnt that we were to be handed over to the Soviets. We lodged a formal protest and produced our documents to prove to Lieut. Colonel Malcolm that we were old émigrés. He told us that we could show our documents to Joseph Stalin. Following this, we immediately wrote letters to King George VI of England, to the British Commander, to King Peter of Yugoslavia, and to His Holiness Pope Pius XII and gave these letters to Lieut. Colonel Malcolm. No answers were received.

Early in the morning of May 29, 1945, we were rounded up and transported from Lienz to Judenburg under armed guard. We were, upon arrival, handed over to the Red Army. General Dolmatov then took charge of us. He told us that he was astonished the British had extradited old émigrés as the Soviets had only demanded that the Western Allies extradite those persons who had been Soviet citizens. As a result of our extradition we were all sentenced to 11–12 years in prison camps in Siberia, where we were forced to undertake the hardest work.† Now we are old, ill, and unable to work for our living.

We therefore entreat Her Majesty the Queen of England and the British

* Translated from the German.

† "The extradited officers were sentenced to ten-or twenty-five years imprisonment, depending upon the date of their arrival in the U.S.S.R." (Huxley-Blythe's footnote.)

Government, who were responsible for our misfortune, to grant us sufficient compensation for those lost 11–12 years we spent in Soviet prison camps.

Yours truly,

(Signature) Somov, Boris
Wien III, Dietrichgasse 31/19, Austria
(Signature) Protopov, Alex,
Wien IV, Schwindgasse 16/3, Austria
(Signature) Kaljuschny, Andrei
Spittal/Drau, Marienheim, Austria
(Signature) Haylo, Danil,
Klagenfurt, Lilienthalstrasse 14, Austria
(Signature) Belov, Vladimir,
Winklern 8, Post Einoede, Fluechtlingsheim, Austria
(Signature) Bilinksi, Andreas,
Munich 8, Ayingerstrasse 23, Germany
(Signature) Kozores, Nikolai
Frankfurt/Main, Meisengasse 26, Germany
(Signature) Avdeev, Peter
Berchtesgaden, Versorgungskrankenhaus, Germany
(Signature) Kozores, Sergei,
Frankfurt/Main, Meisengasse 26, Germany
(Signature) Protopov, Boris,
Kiel, Feldstrasse 109, Germany

"Those who signed the above petition were all members of the Cossack Land, and Captain Petrovsky, as a former officer in the Fifteenth Cossack Cavalry Corps, submitted a separate one." [82]

Captain Petrovsky's "Open Declaration" follows:

AN OPEN DECLARATION *

I, the undersigned, an ex-officer of the XV Cossack Cavalry Corps, who fought during the Second World War with the German Armed Forces against world Communism confirm, on oath, the following declaration:

1) I am a Russian émigré and a former fighter against Communism in the ranks of the White Army in 1919–1920.

2) After the defeat of the White Army in the Crimea, I was forced to leave my Motherland-Russia and enter the Kingdom of Yugoslavia where I lived, studied, worked, and served until April, 1941, i.e., the capitulation of Yugoslavia.

3) Having joined the ranks of the Cossack Corps, I had only one aim, to fight against the enslavers of my country.

* Translated from the Russian.

4) On May 28, 1945, after being deceived by the Command of the British Army, I was betrayed and handed over to the Soviet Frontier forces of the M.V.D. at the town of Judenburg, Austria.

5) From 1945 to 1956, I was kept in various Soviet concentration camps, having been condemned, without trial, to a term of 10 to 26 years' imprisonment. This was solely because I had fought against the Communist Government, which for many long years has enchained the great Russian people.

6) The long years of suffering and separation from my relatives, being held as a criminal in the mines of Siberia, Vorkuta, and other places, I have lost my strength and health. As a result I am unable to undertake any real work and am forced to live as a displaced person, receiving only token support from the town hall.

Taking into consideration the fact that I was handed over to the Soviets, an illegal action, as the British Military Command knew I was not a Soviet citizen, I feel justified in applying to and requesting that Her Britannic Majesty, Queen Elizabeth II, grant me material aid to compensate for the years of Soviet imprisonment, 1945–1956, and so recompense me for loss of health and allow me to live out my remaining years without facing starvation.

June, 1958
Western Germany

Captain Anatol Petrovsky.[83]

Mr. Huxley-Blythe also sent copies of the petitions to Prime Minister Harold Macmillan.

The dossier was mailed on September 4, 1958.

To forestall a negative answer based on the usual ground of "lack of funds," Mr. Huxley-Blythe pointed out in his letter of transmittal that any compensation paid to the surviving Cossacks need not come from public funds, considering both the money appropriated from the Cossack Bank at Lienz, Austria, on May 26, 1945 (with compound interest), and the money gained by the sale or the value of thousands of Cossack horses disposed of by Captain McNeil of the 8th Battalion of the Argyll and Sutherland Highlands, who were in charge of the Lienz operation. Such funds would more than amply cover the surviving Cossacks' modest needs.

Reception of Mr. Huxley-Blythe's dossier was acknowledged on October 14, 1958, and Mr. Macmillan's decision came on October 27, 1958. It said that there were "no grounds for revising" the original decision.

I cannot conclude this chapter without calling attention to an irony of history.

While the U.S. and the British Governments are still keeping the records of Operation Keelhaul under wraps, the Soviet Government followed the opposite policy. The Soviets did not want the people behind

the Iron Curtain to entertain any hope for liberation by the West. The West did everything in its power to make it easy for the Soviet Government to prove the point.

When the Soviets released about two hundred Vlasov soldiers in 1955—after they had spent ten years in Siberian slave labor camps—plus some of the old émigrés, a Soviet newspaper printed these paragraphs:

> We have let 'them' out [referring to the old Cossack émigrés] and we have forgiven 'our own' [referring to the Vlasov soldiers].
>
> Whether they were Vlasov men or prisoners of war who did not want to return to the motherland does not matter now. All their sins have been forgiven.
>
> But the English and American bayonets, truncheons, machine guns and tanks used against them will never be forgotten.
>
> No Russian will ever forget Lienz, Dachau, Plattling, Toronto, and other places of extradition, including New York. And they must never be forgotten. It is a lesson all Russians must learn well. For it shows that you cannot trust the capitalist states in the future.[84]

In the post-World War II years, the question of forced repatriation has come up at least twice in the House of Commons: On May 21, 1947, Labor M.P. Richard Stokes asked the Secretary of State for Foreign Affairs, Mr. Mayhew, about the forcible repatriation of some 185 Russians which had been attempted from camps Numbers 6 and 7 under British control at Rimini, Italy, on May 8, 1945. Mr. Stokes also asked the Secretary of State for Foreign Affairs whether he would state the number of attempted suicides, the number of deaths and the number of injured Russians now in the hospital as a result of this action; and whether he was aware that this forced repatriation was contrary to promises made to the House of Commons.

Mr. Stokes found it outrageous "to expect to continue to carry out a policy laid out at Yalta, which clearly adumbrated that there should be a fair trial and return of these people, when there is no fair trial; and is my honorable friend aware that these people were got into the train by being told that they were going to Scotland to help the miners?"

Mr. Mayhew, the Secretary of State for Foreign Affairs, insisted on "the Yalta Agreement which it is our clear duty to carry out." [85]

Another debate dealing with Operation Keelhaul took place in the Commons on February 8, 1955, between Captain Henry Kerby, the Conservative Party member, and Prime Minister Churchill.

The background of Kerby's intervention was that in 1955 he had asked

the Government to give information about the events of May and June of 1945 in Austria. At that time he was told that he would have to wait until the official military history prepared by the British Government should appear. Now Captain Kerby asked the Prime Minister how the publication of the Official History of the 1939–1945 war was proceeding.

Churchill informed him of the number of volumes published, those in press and those in active preparation.

Mr. K. Robinson asked whether the Prime Minister could give an assurance that the publication of Volume V of the Military History, dealing with events of May and June 1945, was not being held up pending the discovery of Churchill's telegram to Field Marshal Montgomery.

(Mr. Robinson's reference to Churchill's telegram to Field Marshal Montgomery concerns the telegram in which Churchill had suggested that Montgomery should hide the Nazi weapons just captured in Germany because there might be good use for them in the near future. When this telegram appeared in the press, it caused quite a stir.)

The Prime Minister answered: "I will make it my special duty to inquire into the matter." *

However unsatisfactory the debate on forced repatriation might have been, the mere fact that they took place distinguishes them favorably from what has happened in the United States. The British (and European) system of parliamentary democracy, as distinguished from our own, made it possible for ministers, including the Prime Minister, to be asked publicly about Operation Keelhaul. In the United States, not one of the surviving high officials responsible for Operation Keelhaul has yet been

* *Hansard*, February 8, 1955, column 1733. Churchill's statement was not borne out by the events. The official British record on Operation Keelhaul carried out by the British Army in Rimini and Lienz has not yet appeared. The reasons for that delay are not difficult to guess. They are correctly stated in an article by Robin Higham, "The History of the Second World War/British Official Series," which appeared in *The Library Quarterly*, No. 3, July 1964. This article was previously published under the title: "A Government at War" in *Stand-To*, Canberra, Australia, VIII, No. 2 (March-April), 1963, 11–15, 32; ibid, No. 4 (July-August, 1963), pp. 19–27. Dealing with the volumes originally planned, the author writes: "Unfortunately the hand of national security has fallen on a number of these volumes, and it appears unlikely that some intensely interesting studies will now be published. In fact, the long arm of Whitehall has struck out retroactively. . . . The *History of the Second World War* is also being circulated in a confidential version. The authors hope this will eventually be open to public inspection and perhaps, among other things, will reveal their scholarly handling of sources not now generally available." Whether the "confidential version" contains the story of the British Operation Keelhaul during and after World War II is not known to me.

asked any questions in the Congress. With the exception of my testimony before the Senate Internal Subcommittee of May 26, 1956, and some references in testimony of a few other witnesses after me, Congress and the American people have never been officially informed about the basic facts concerning Operation Keelhaul, past and present.

Soon after the end of World War II, British writers began to deal with the problem of repatriation. One of the first studies was written by W. Arnold-Forster and published under the title: "Displaced Persons in Germany. UNRRA's Cooperation with the Armies." [86]

The author states that: "By the autumn of 1945 the British and American Armies had repatriated to their homelands from the three western zones of occupation over five million displaced persons. Over a million remained to be repatriated or resettled." These figures do not include those repatriated in uniform, as prisoners of war or deserters, e.g., the Vlasov soldiers and the Cossacks. The author does not estimate how many of the more than five million displaced persons would have preferred to stay in the West. The total number of forcibly repatriated victims of Operation Keelhaul may well be between two and three million displaced persons.

Arnold-Forster also mentions a "definite agreement" of November, 1944, concluded between the Supreme Commander (Eisenhower) and UNRRA's first Director General, Herbert Lehman, the New York Governor and later Senator.

He goes on to cite another accord on how the Yalta Agreement on Repatriation should be carried out which was concluded between the British, American, and Soviet commands on May 22, 1945, at Leipzig.

Arnold-Forster touches the problem of forced repatriation in only one short paragraph:

> The last stages of the operation will be not the least difficult. For most of those who still remain are either without a welcoming fatherland to return to or unwilling to return to the land they left. UNRRA and SHAEF have both followed the line that it was not their function to repatriate people against their will, though it has not been possible to maintain that principle with those identified as Soviet citizens. But I must not attempt here to discuss this complex problem.

One has to ask, why not? Arnold-Forster does not seem to realize that the vast majority of those five million displaced persons to be forcibly repatriated were, of course, "Soviet citizens," and that the implied admission of their forcible repatriation in contradiction to the alleged SHAEF

and UNRRA policy is tantamount to the admission of a crime against humanity.

This becomes even more evident in the author's next paragraph:

> Despite difficulties, UNRRA's contribution to the great task of quick, orderly, humane repatriation has been very valuable within its limits.

When the author lists "humane repatriation" among the "great tasks" of UNRRA, one must ask how there can be "humane repatriation" if the repatriated does not want to be repatriated and if those who carried out the "humane repatriation" must have been well aware that the repatriated ones would have to suffer the severest punishment in Stalin's slave labor camps. Besides, the author must have been aware of the unspeakable atrocities in carrying out the "humane repatriation."

In October, 1953, another article on repatriation problems appeared in *The Army Quarterly*, entitled "The Repatriation of Prisoners of War" by Lieutenant Colonel Oswald Stein, D.S.O. The article had been written following the controversy aroused by the question of the repatriation of North Korean and Chinese prisoners of war who did not want to return to their communist homelands. Since this controversy had been settled in favor of the principle of "voluntary repatriation only," and since the West, under Dean Acheson's leadership, had condemned forced repatriation as a crime against humanity and a violation of the Geneva Convention, this British author is more in favor of that principle than was Arnold-Forster.

> It has long been law that all enemy prisoners should be speedily released and repatriated at the end of hostilities, and this has been re-affirmed by Article 118 of the Convention of 1949. . . . The primary purpose of the Convention was to impose the obligation on governments to respect the rights of prisoners, who must be helped, not forced to go home. . . . In addition, the Universal Declaration of Human Rights, signed in 1948, affirms in Article 14 that individuals have the right 'to seek and enjoy' asylum from persecution.[87]

Stein also deals with the problem of the deserter under international law:

> An enemy prisoner of war refusing repatriation becomes a deserter and the international practice is to refuse to hand over to certain punishment deserters from the armed forces of the enemy.
>
> This . . . is important on the plane of self-interest as the handing back of enemy deserters is hardly likely to be conducive to further surrenders should hostilities be continued or resumed. Even after hostilities have ceased, the general rule would apply that the military crime of desertion is not subject to extradition proceedings.[88]

Stein's observation is of interest in the context of our study. While it is true that Vlasovites and Cossacks were forcibly repatriated to our "ally," the Soviets, it is true as well that, in 1945, everything was in flux and the "ally" was already in the process of becoming the "enemy." Churchill had warned that a Third World War might not be averted if the Americans withdrew to their proper zone; in other words, if they ever left Saxony and Thuringia.[89]

Stalin had already broken the agreement of Yalta ("free and unfettered elections" in Poland, Hungary, Bulgaria, Rumania, Czechoslovakia and Yugoslavia) as well as the Potsdam agreement to treat Germany as an economic unit. In fact, the Cold War had already broken out in 1945, and not after the Soviet coup d'état in Czechoslovakia in 1948, as some historians still seem to believe. How far this Cold War had progressed in September 1945—four months after VE-Day—can be seen in a telegram from the American Ambassador in Prague, Steinhardt, to the Acting Secretary of State, Dean Acheson, on September 14, 1945:

> I have had a talk this afternoon with President Benes to ascertain whether Czechoslovak Government would be willing at this time to request US and Soviet Government to effect a simultaneous withdrawal of their forces.
>
> President gave me in strict confidence following detailed account of his efforts to have Soviets withdraw their forces from Czechoslovakia.
>
> Benes said he had sent Svoboda Minister of National Defense [and the present President of Czechoslovakia who went on an identical mission in 1948, after the Soviet occupation of Czechoslovakia to Moscow] and Clementis, State Secretary for Foreign Affairs, to Vienna a week ago to see Marshall Koniev to:
>
> (1) Complain of behavior of Soviet troops in Czechoslovakia;
>
> (2) Remind Koniev of Stalin's promise made about 2 months ago that no more than 8 Soviet divisions would remain in Czechoslovakia after July 20 and that these divisions would be withdrawn to Northern Czechoslovak frontier, and to ask him to reconcile recent Soviet requests for food and supplies for over 300,000 men with Stalin's promise. President said he had instructed Svoboda to inform Koniev that amount of food and supplies requested would not be furnished. Inform Koniev that Czechoslovak Government would not permit the Soviet military authorities to requisition the very large amount of sugar they had demanded. The President informed me that

when he had learned of the large quantity of sugar Soviet military authorities proposed to requisition he had (without consulting Cabinet) instructed the Czechoslovak military authorities to occupy the refineries and resist by force if necessary any attempt by the Soviets to requisition the sugar. He said Soviet soldiers had attempted to seize the sugar but when Czechoslovak guards fired over their heads they retired. He specifically requested that this incident be not disclosed.[90]

It is interesting to note that it was President Benes of Czechoslovakia who gave the secret order to fire "over the heads" of Soviet troops. Thus, the Cold War erupted within the Soviet orbit itself, between a Soviet satellite state and the U.S.S.R.

Col. Stein concludes the section of his *Army Quarterly* article dealing with repatriation of deserters to the enemy by saying:

> When one also considers the deterrent effect on potential surrender of the knowledge that eventual forcible repatriation is the fate of those who give themselves up to the enemy, one is driven to the conclusion that the use of compulsion to send enemy prisoners home at the end of the hostilities is morally indefensible, legally without sanction, and expediently undesirable.

That is Stein's position—a correct one—in reference to forced repatriation of deserters from the enemy.

What about forced repatriation of deserters from the "ally," in our case, the Soviet Union?

Stein raises the question: "What happens when a liberated allied national refuses to accept repatriation?" He means the Soviet prisoners of war, whether or not affiliated with the Vlasov movement and the Cossacks.

Stein then answers with this rather strange dictum: "He becomes a deserter, and deserters from an allied army liberated from enemy hands are not covered by the old-established practice of not handing over to certain punishment [escapees] from the armed forces of the enemy."

Unfortunately, Stein does not seem to have any reason based on international law, nor on time-honored international custom for his conclusion. It must be rejected on the ground that a deserter from the "ally," the Soviet Union, to the Germans, who later surrendered upon specific American invitation to the U.S. Armed Forces, has, under all circumstances, to be treated as a German prisoner of war and not as a Soviet prisoner. This is the clear meaning of the Geneva Convention as interpreted by the Acting Secretary of State Joseph C. Grew. The Vlasov soldiers, as well as the Cossacks, were captured in German uniforms, and the Geneva

Convention does not permit one "to look behind the uniform," as Grew stated. If we accept this interpretation as the only one consistent with the spirit of the Geneva Convention—as we must—then Stein's theory cannot be upheld.

Deserters from an ally are under the law not repatriable against their desire, exactly as is the case with deserters from the enemy. It cannot make any difference. The fact that the Geneva Convention of 1929, as revised in 1949, does not clearly state this must be regretted, but it cannot invalidate Article 2 of the 1929 Geneva Convention, with its categorical obligation to treat all prisoners of war "at all times humanely," nor can it invalidate Grew's interpretation. Deliverance to certain death or slave labor camps cannot be termed "humane treatment." The overriding purpose of Hague and Geneva has always been to try to secure humane treatment of all prisoners of war as well as civilians. This basic concept of these conventions, their humanitarianism, would be completely nullified if Stein's differentiation between deserters from the enemy and deserters from an ally were to be recognized, and it would result in forced repatriation of deserters from the ally to death and slave labor camps.

In the balance, Stein tends, nevertheless, to refute forced repatriation—even of deserters from the ally—on purely humanitarian grounds when he states: "In any case the spectacle of men returning from war chained to the seats of railway coaches * is repugnant to freedom-loving people, who will, I think, agree that in these cases, provided there have been no other crimes committed, mercy is better than the letter of the law."

Stein would have been more convincing had he just quoted a single law which could have caused American and British military authorities to repatriate by force the Vlasov people and the Cossacks. There is no such international law.

As I have repeatedly pointed out in this study, the Vlasov soldiers surrendered to the British and the Americans after they had been *expressly* invited by the Western allies, and after they had received solemn promises that they would not be returned to the Soviets against their will. Those promises were repeated to Vlasovites and Cossacks in their POW camps in Dachau, Plattling, and Lienz, as well as in other camps. There can be no doubt that such promises constitute a moral, if not a "legal," obligation, underwritten by the Supreme Commander of the allied powers in the West.

Oswald Stein seems neither to have fathomed the problem of the

* A euphemism. The forced repatriates of World War II did not travel in "railway coaches," but were herded into cattle wagons.

Vlasovites and the Cossacks and its roots in international law, nor in the light of everything that British and Americans said at the United Nations in the Korean debate, which contradicted everything they had done in the years 1944–1947, nor yet in the specific light of the binding moral obligation to honor "one officer's word of honor." How else can one explain that he could conclude his study with the following two paragraphs:

> Finally, there is the unhappy case of those who took up arms and fought on the side of the enemy against their own country and her allies. They may have been actuated by local patriotism taking the form of separatism; by racial, religious or political ideologies; or merely by a desire to save their skins under enemy pressure, or even by greed of gain. Whatever their motives it is hard to see how in such cases forcible repatriation can be avoided, or, indeed, why it should be avoided. Even when their motives were pure, these men fought against their own country * and against their countries' allies. Their action may well have prolonged the war, cost extra lives and caused untold suffering. Moreover, the obligation of a country to its allies seems here to be paramount and inescapable.
>
> Political passions are apt to blind the eye of reason. But the whole of this problem is surely one where the solution must come from the cool head with the warm heart.

The British-American "solution" came neither from a cool head nor from a warm heart and, least of all, from a combination of the two.

* As did the British settlers, among many others, in the American colonies in their celebrated War of Independence.

7 The American "Operation Keelhaul"

The official records of the American Operation Keelhaul are still Top Secret, locked up in the vaults of the Pentagon and the Department of State. Nevertheless, the truth cannot forever be hidden from the public.

George Fischer, an eminent American scholar, has given us a factual and chilling account of what happened in February, 1946, in Plattling, Germany, in his book, *Soviet Opposition to Stalin*: [91]

> It was at Plattling, Germany, that the last lingering Soviet opposition hopes were extinguished by an abrupt and bitter stroke. Here, on a Sunday in February 1946 the bulk of some three thousand ex-Soviet veterans of the KONR Army were turned over to Soviet authorities by the U.S. camp administration. The blow fell at six in the morning, completely by surprise, the prisoners having been previously assured by U.S. officers on the spot that no forced repatriation was contemplated. It was accompanied by considerable violence on the part of the American troops involved. Whether or not this picture of what happened is accurate, its many suicide attempts, the dual role of American authorities, are deeply etched in the memory of the surviving Vlasovites.
>
> The Plattling incident—forced repatriation of Soviet defectors into Soviet hands—was repeated at Kempten, Landshut and elsewhere, usually on a smaller scale.[92]

Another portrayal of the events occurring at Plattling and many other camps has been written by Jürgen Thorwald in his book, *Whom They Want to Destroy, Report of the Great Treason.*[93] About Plattling, Thorwald writes:

> During the night, American special commands circled the camp with tanks. At five o'clock in the morning, the searchlights were turned on. At the same moment, trucks entered the camp. All inhabitants of the Russian barracks were ordered to form up in ranks in the glare of the floodlights. American soldiers searched them. They threw everything the Russian prisoners possessed in the mud: the watches, the bread, the last pencil. Then, the lists were read. Those named in the lists were driven onto the trucks. They were ordered to lie down on the floor of the trucks. As soon as a truck was fully

GRAND

loaded, American soldiers armed with billies and machine guns climbed into the trucks. The prisoners on the floor were forbidden to move. If they did, they were beaten.

The loaded trucks drove, accompanied by armored reconnaissance cars, to the railroad station in Plattling. The prisoners were ordered to enter the cattle cars of already waiting trains. The empty trucks returned to fetch another load of Cossacks. In a few hours, the work was done. Only those escaped who had sewed in their coats razor blades and who now slashed their wrists in front of their barracks under the glaring searchlights.

What happened at Plattling was repeated in almost every other camp. There was no reason and no mercy.[94]

On January 20, 1946, *The New York Times* reported from the prisoner of war camp in Dachau, Germany:

> Ten renegade Russian soldiers, in a frenzy of terror over their impending repatriation to their homeland, committed suicide today during a riot in the Dachau prison camp. . . .
>
> Twenty-one others were hospitalized, suffering from deep gashes that they inflicted on themselves, apparently with razor blades, but no further deaths had been reported up to a late hour tonight. Many suffered cracked heads from the nightsticks wielded by 500 American and Polish guards who were attempting to bring the situation under control. . . .
>
> The practical certainty of the fate they would face on arrival in the Soviet area precipitated the disorder, which had its prelude Thursday in the resistance offered by the inmates in one of the barracks when ordered to line up to enter the trains waiting on the track inside the former concentration camp. Even though threatened with rifles and carbines, they refused to leave the shelter, begging GI guards to shoot them rather than carry out the extradition order. . . .
>
> Authorities in the United States Third Army's headquarters at Bad Toelz stated in reporting the riot that every possible precaution had been taken to deliver the prisoners in accordance with the Yalta terms.[95]

The United States Third Army's authorities did not reveal in their statement the fact that American soldiers engaged in Operation Keelhaul had orders "to shoot to kill" those unwilling to return to the Soviet Union. This fact evolves from a letter to me from Sinclair J. Hoffman of Northfield, Illinois, on April 22, 1969. It is an important document, from which I quote the following:

> In the summer of 1945 I was one of several artillery officers in the 102nd Infantry Division who was detailed to lead a convoy of all the trucks in my battalion on the mission of picking up Russian POWs from German internment camps and delivering them to the Russian officials at Chemnitz. For about two weeks day and night I led about seventeen trucks on shuttle service all over Germany and France on this mission. There were thousands of other trucks doing the same. We soon found out that many Russians didn't want to be repatriated and we soon found out why. They believed that any officer POW would face execution upon return and any non-com POW could face a term in Siberia. As a result we stood over them with guns and our orders were to shoot to kill if they tried to escape from our convoy. Needless to say many of them did risk death to effect their escape.

On March 6, 1946, *The New York Times* carried a story written by Sam Pope Brewer, datelined Rome, March 5, 1946, in which he said:

> "Many thousands of persons hostile to the present regime in the Soviet Union are being forcibly sent there by Americans and the British under the Yalta Agreement, Eugene Cardinal Tisserant asserted today and he said the Catholic Church constantly received appeals from 'displaced persons' terrified of being sent back to territory now controlled by Russia, though they cannot be classified as traitors.
>
> "The Cardinal gave the writer (Brewer) the permission to quote him, saying 'It will compromise me, but the world must know of these things.' "

One of the most vigorous protests against American forced repatriation was addressed to General Eisenhower by General A. Denikin, the former Commander-in-Chief of the Imperial Russian Armies (1917–1920). In a letter * dated January 31, 1946, General Denikin described the terrible conditions under which Russian anti-Communists were kept at Dachau and other camps. He drew a chilling picture of the utterly inhuman treatment administered by the Germans from the first moment of their imprisonment. And while these unbearable conditions contributed to their accepting the offer to don German uniforms, General Denikin stressed that "there was not a trace of Germanophilism among all of them." On the contrary, they had made the decision to "join the ranks of the Anglo-American armies" as soon as practicable.

Finally, speaking of forced repatriation which was being brutally carried out, General Denikin concluded his plea to Eisenhower:

> General, there are the provisions and paragraphs of the 'Yalta Treaty,' but, there are the traditions of free and democratic people—'the right of

* (For the full text, see Appendix 1.)

asylum'—there are military ethics, which prohibit the use of violence even on the defeated enemy, and finally there exist the Christian morals which call for justice and pity.

I take the liberty to address myself to you, General, as a soldier to a soldier, with the hope that my voice will be heard.

Eisenhower chose not to answer Denikin's letter personally but through his acting Chief of Staff, General Thomas I. Handy, on February 18, 1946.*

General Handy's answer to Denikin's letter for General Eisenhower contains all the self-contradictory statements we have already encountered in this study. He starts with the statement that the U.S. Government's policy "consists in not using force in repatriating them (the Soviet citizens) by compulsion," but formulates in the very same sentence the "exceptions" which cover every single Soviet citizen then in German, American, British, or French POW camps.

Since all Soviet citizens under the Western Allies' authorities after World War II were either "taken prisoners in German uniform," or had been "members of the Soviet armed forces on June 22, 1941, and had not been discharged from service" or were "collaborators with the enemy," one is at a complete loss to see for which category of Soviet citizens found in Allied camps or elsewhere the rule held valid that the Americans should not use force in "repatriating them by compulsion."

* (For the complete text, see Appendix 2.)

8 Operation Keelhaul On American Soil

Among the prisoners of war at Fort Dix, N.J., in June of 1945, there were some two hundred Soviet nationals, who had been captured in German uniforms by the Americans.

They had served as so-called "Ostfreiwillige" with Hitler's Wehrmacht and had surrendered to the Americans, but not without having received assurances that they would never, never be forcibly repatriated to the Soviets, their deadly enemies.

As we know now, these solemnly given assurances were in full accordance with the Geneva Convention and the American policy as expressed in the Grew note.

Most of the two hundred Soviet nationals at Fort Dix, who were entitled by law to be treated as German war prisoners, had already experienced the determination of American military authorities to violate the Geneva Convention and the traditional American right of political asylum. This had taken place at Seattle, Washington, where they were forced under threat of submachine guns to board a Soviet ship. But the two hundred put up such violent resistance that the American authorities decided to transfer them to Fort Dix.

At Fort Dix, the attempt to repatriate them was to be repeated. Again, the two hundred were ready to fight for their lives.

First, they refused to leave their barracks when ordered to do so. The military police then used tear gas, and, half-dazed, the prisoners were driven under heavy guard to the harbor where they were forced to board a Soviet vessel. Here the two hundred immediately started to fight. They fought with their bare hands. They started—with considerable success—to destroy the ship's engines.

Since the disabled boat could not leave port, they were brought back to Fort Dix. This, however, did not mean that the military authorities at Fort Dix and in Washington had renounced their resolve to repatriate them by force.

After the failure of two attempts to repatriate these determined Soviet nationals in Seattle, as well as in Fort Dix, military authorities decided to

try it for a third time. This time, the operation was more carefully prepared.

A sergeant, who will be a most valuable witness whenever Congress decides to investigate Operation Keelhaul, hit upon the idea of doping the prisoners. Consequently, he mixed barbiturates into their coffee. Soon, all of the prisoners fell into a deep, coma-like sleep.

It was in this condition that the prisoners were brought to another Soviet boat for a speedy return to Stalin's hangmen.

The story of this crime is still secret today, known only to God and the persons involved, as well as to a handful of displaced persons, now living in Germany, who were lucky enough to escape forced repatriation because some American officers and GIs on duty in Germany possessed a higher regard for Christian ethics than for any official and illegal orders from Washington.

When I later learned about this crime against humanity committed at Fort Dix in 1945, I went there, and on July 28, 1955, was received by Captain Tom Hamrick, who was in charge of public information. The captain told me that he did not know anything about the occurrence and that all records had long since been transferred to Washington and other repositories. He advised me—as he had already done in a letter—to address my request to the Office of the Adjutant General of the Army in the Pentagon. This, too, I had done.

A few days later, I received a letter from the Department of the Army, Office of the Chief of Information and Education, denying my request because "the records you requested permission to see . . . are part of a group of documents determined by a recent study as requiring indefinite maintenance of their current high security classification."

9 The Tinio Case and the Nuremberg Law

The record of the American Operation Keelhaul shows that U.S. military authorities not only forcibly repatriated millions of Soviet citizens, but that they also forced people back who had never been (or were not at the end of hostilities in 1945) prisoners of war or displaced persons "to be liberated" according to the Yalta Agreement of February 11, 1945.

Although the official records of such cases are still kept Top Secret in the U.S. Army's historical depositories, one case—a typical one—came into the public domain when General Edward M. Almond testified before the Senate Internal Security Subcommittee on November 23, 1954.*

On that day, the hearings of the subcommittee were devoted entirely to the investigation of "Communist infiltration in our Government" (the Military Government in the European theater of war included), or possible Communist subversion of U.S. policy.

At one point, the Chief Counsel of the Subcommittee, Alva C. Carpenter, asked General Almond, who had been a division commander in Italy, whether he was familiar with a man by the name of "Tinio?"

General Almond answered:

"Yes, Sir. Tinio was a nomad from a Turkestanian area. . . .

"He came to Italy and joined with one of my regiments. He became a very reliable patrol leader. He many times and on more than one occasion occupied a section of the front in the Apennines, virtually unoccupied by regular military personnel, between my right flank and the left flank of the Brazilian Division, which was just beyond me or east of me, in the winter of 1945.

"He did such good work that he was known throughout my division. I think we gave him a certificate of accomplishment or something just to be grateful about it.

"But one day soon after the war ended in Italy in 1945, I was queried from General McNarney's headquarters . . . because he had the request from a Soviet mission that had come to Italy. . . .

"The specific query of me was: 'Was there a Turkestanian by the name of

* See pp. 2053, 2054 of the 25th part of the hearings on "Interlocking Subversion in Government Departments."

Tinio with a band or group operating in my sector?' I said 'Yes, there was one, but where he is now, I don't know.' They said: 'Is he in your area now?'

"On investigation, I found he was still over there with the 370th Infantry, his friends. I got in touch with the Colonel of that regiment. He said that he would and did talk to Tinio.

"He immediately discovered that Tinio was very much alarmed that the Soviets had queried about him.

"What he had done in his own country, I didn't inquire of him.

"He was a good fighter and on our side. But he was disturbed that the Russians wanted to know where he and his men were.

"I also attributed this to the fact that he was a convert of the Communists or Soviets and they were after him.

"I was ordered eventually to turn Tinio over to the Russians for transportation back to Russia.

"I did that with the complete conviction, based on the things I had gotten from Tinio and from those with whom he associated, that it meant his certain destruction, and that of his band. . . ."

At this point, Senator Welker asked General Almond:

"Are you at liberty to tell who ordered you to return this gentleman to the Russians?"

General Almond: "Well, as I recall, that was a routine understanding. Russia at that time had been our ally, and was then presumably. . . .

"I believe that was the general policy that we followed, and I think that our being ordered to turn that particular band over to that group was a matter of routine."

Senator Welker: "Granted that it was a matter of routine, can you give the committee the name of the superior officer who ordered you to return them to Russia?"

General Almond: "No. I could not. But I might find that out. I know who the commander was. General McNarney was the commander. He was the Deputy Commander of the Allied AFHQ, Allied Forces in Italy. It was a joint command. General McNarney was our American commander.

"He had many people under him and many bureaus. So I think a policy that had been decided would be something that would be transmitted to his headquarters and his staff would carry it out."

The importance of the Tinio case evolves from the fact that his and his band's forced repatriation to certain death violated the Yalta Agreement as well as the Geneva Convention and the American tradition of ready asylum for political exiles in an even more flagrant way than the forced repatriation of the other millions did.

Tinio and his comrades in arms could by no stretch of the imagination be considered "prisoners of war" or "liberated civilians," the only two

categories mentioned in the Yalta Agreement of February 11, 1945. And, as we know, these two categories were mentioned without any reference to the use of force.

It must be assumed that General Almond's superior, General McNarney, acted upon higher orders, presumably from General Eisenhower and the Joint Chiefs of Staff. Without such explicit orders, General McNarney could not have ordered General Almond to repatriate Tinio and his comrades who had not been "prisoners of war" when they were apprehended, and were not, therefore, covered by the Yalta Agreement.

According to the standards as promulgated at Nuremberg, General McNarney can hardly escape the blame of having committed an international crime against humanity on "higher orders." Nor could General Almond escape the blame. As the record shows, he was fully aware of the atrocious character of Tinio's repatriation. Moreover, he must also have been aware that Tinio and his band were not covered by the Yalta Agreement and that, therefore, his repatriation violated the agreement.

When, on August 8, 1945, the Allied Powers, the U.S.A., the U.K., France, and the U.S.S.R. signed the basic law for the prosecution and punishment of the Nazi war criminals, the so-called "London War Crimes Agreement," it was clear that all general statements and definitions made in the Charter of the International Military Tribunal, including the definitions of different war crimes, could not have been limited to German war criminals. An outgrowth of the Geneva and Hague Conventions, they were of general character, applicable to all nations, and to the Nazi horrors committed within Germany, as well as to the unspeakable atrocities perpetrated throughout Europe.

The London Agreement indeed set new standards of international law.

If we were to consider the norms enunciated by the London War Crime Commission as valid only in respect to Nazi atrocities and crimes, as one school tried to do, it would amount to accusing the American, British, and French governments of having committed an international fraud of heretofore unseen magnitude, since it would mean that the Western Powers had deliberately created a special law for German war criminals only.

If we study the American documents pertaining to the London War Crime Commission, we cannot find any evidence that the Americans intended to restrict the validity of their norms to the Germans. Therefore we are entitled to assume that the U.S. Delegation at least bestowed uni-

versal validity upon the definitions of war crimes and crimes against humanity.

Even before the London Agreement was signed, U.S. Supreme Court Justice Robert H. Jackson, Chief Counsel for the United States in the prosecution of the Axis War Criminals and the U.S. representative at the London War Crime Commission, wrote in his report to President Truman:

> The rules of warfare are well established and generally accepted by the nations. They make offenses of such conduct as killing of the wounded, refusal of quarter, ill treatment of prisoners of war . . . and ill treatment of inhabitants in occupied territory.
>
> These principles have been assimilated as a part of international law at least since 1907. The Fourth Hague Convention provided that inhabitants and belligerents shall remain under the protection and the rule of 'the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.' [96]

That Justice Jackson thought of the universal applicability of the Nuremberg Laws can be seen from a statement he made on the occasion of the signing of the London Agreement on the prosecution of the Nazi War Criminals: "The definitions under which we will try the Germans are general definitions. They impose liability upon war-making statesmen of all countries alike." [97]

A few paragraphs later, Jackson comes back to the problem of the universal validity of the Nuremberg principles by expressly proclaiming:

> I therefore want to make it clear to the American people that we have taken an important step forward in this instrument in fixing individual responsibility . . . among whatever peoples, as an international crime. We have taken another in recognizing an international accountability for persecutions, exterminations, and crimes against humanity . . . when associated with attacks *on the peace of the international order.* [my italics]

These last seven words deserve special attention, for they would exonerate every war crime and crime against humanity by any attacked nation. I think the quotes from various statements by Justice Jackson indicate that such a clearly nonsensical notion could not have been in his mind. That the subordinate clause was included in the statement was due, most probably, to pressure exerted by the Soviets, who had a vested interest in limiting the so-called Nuremberg Laws in their applicability to Nazi Germany as an "aggressor state." The Soviets were, of course,

well aware that the U.S.S.R. belonged rather on the defendant's bench than in the prosecutor's chair. They could not have forgotten the fact that the Soviet Union was branded an aggressor after it had attacked little Finland in 1939 and that it was even expelled from the League of Nations as a result. The Soviets also knew that they were guilty of horrendous war crimes, one of which they tried to pin on the Germans—the Katyn massacre of more than fifteen thousand Polish prisoners of war in 1940. When the Germans wanted to subpoena witnesses at Nuremberg to prove Soviet guilt, the Soviets silently dropped the case like a hot potato; and then, when it came to the verdict, there was conspicuous silence. Later, this genocidal crime was thoroughly looked into by an American Select House Committee to Investigate the Katyn Forest Massacre, which proved beyond doubt that Stalin and his NKVD were the perpetrators of that greatest military crime in recent history.

My interpretation of Justice Jackson's statements is borne out by the solemn declaration he made in his opening address at the first Nuremberg trial before the International Military Tribunal, on November 21, 1945, which asserts the universal applicability of the Nuremberg Law. In the presence of the Soviet judges and prosecutors, Justice Jackson said:

> And let me make clear that, while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nation, including those which now sit here in judgment. We are able to do away with domestic tyranny and violence and aggression by those in power against the rights of their own people only when we make all men answerable to law.[98]

The Hague Convention of 1907, to which the United States of America became a signatory power, contained—as we have already seen—various provisions aimed at the protection of the individual rights of prisoners of war as well as of civilians, including displaced persons. The Convention forbids abuse or murder of an enemy who has laid down his arms, (as did all the Soviet citizens who were forcibly repatriated), or denial of quarter, (as the U.S. Military authorities denied quarter when they did not accept Vlasov's and his men's surrender to the West.)

As the virtual basis for the conviction of the Nazi leaders on specific charges of war crimes and crimes against humanity, the Convention constitutes international law, applicable to all nations, especially to the signatory powers.

The International Military Tribunal, in referring to the Hague Convention declared: "By 1939 these rules laid down in the Convention (Hague,

1907) were recognized by all civilized nations, and were regarded as being declaratory of the laws and customs of war which are referred to in Article 6(b) of the Charter." [99]

Robert K. Woetzel, Professor of Public Law and Government at Fordham University, goes so far as to hold that the 1907 Hague Convention "has become part of the body of general international law," and (is) therefore "binding on all states regardless of whether they are parties to the Convention." [100]

On December 11, 1946, the United Nations General Assembly *unanimously* adopted Resolution I (95). This Resolution affirmed the "principles of international law, recognized by the Charter of the Nuremberg Trial and the Judgment of the Tribunal."

At the same time, the General Assembly ordered the Assembly Committee on the Progressive Development of International Law and Its Codification to draft plans for the formulation of the Nuremberg principles in the context of a general codification.

10 Korea and Forced Repatriation

The Admission of the Crime

The United States prolonged the Korean war for about twenty-three months, I maintain, for one reason only: not to repeat the crime of forced repatriation of prisoners of war and displaced persons as committed in the years 1944–1947.

The climax in this fight for the realization of humanitarian principles corresponding to international law came on October 24, 1952, when Secretary of State Acheson delivered a speech before Committee I (Political and Security) of the United Nations General Assembly in which he reviewed the prisoner of war problem in respect to forced repatriation:

> We now come to the origin of this repatriation question. As increasing numbers of prisoners came into United Nations hands, it began to be found out that more and more of these prisoners believed that, if they were returned to Communist hands, they would be executed or imprisoned or treated brutally in some way. They therefore took the position that they would not be exchanged and that, if any attempt was made to exchange them, they would resist by force. It was quite unthinkable to the United Nations Command that it should use force to drive into the hands of the Communists people who would be resisting that effort by force. That was the attitude taken by the United Nations command. It was the attitude taken by all other governments whose troops were in Korea and who would be required to carry out this forcible return if it were instituted. So far as I know, there has been no member of the United Nations outside the Communist group that has ever suggested that it was right, proper, legal, or necessary to return these prisoners by force.

The question thus arises: If it was wrong, improper, illegal or unnecessary to return prisoners of war to the Communists by force in 1952, why should it ever have been right, proper, legal, or necessary to return them to the Communists by force in the years 1944–1947?

Mr. Acheson continued:

> At that time, when we saw the numbers who held these views (of resisting by force any attempt to repatriate them against their desire) and the violence with which they held them, it became clear that it would not only be highly immoral and illegal to force these prisoners to return but that it would also require a military operation of no inconsiderable proportions to do it.

After these statements describing the Department of State's position on forced repatriation in 1952, the Secretary turned to the most important aspect of the problem, its relationship to international law. Can forced repatriation of prisoners of war be justified by international law?

Now, Secretary Acheson answered the same question in exactly the same way as had Acting Secretary of State Grew in his note to the Soviets seven years earlier. This fact is of importance because it shows that Grew's position was a sound one, representing a well-established policy in the Department of State which was only abandoned for reasons of expediency and the desire to please Stalin. Here is what Acheson said to the United Nations:

> Now let us look for a moment at this repatriation question in connection with international law and international practice, because you will hear it shouted out violently in this room, as it has been at Panmunjom, that under international law it is necessary that these prisoners shall be forcibly returned to their own side. Is that true? Let us find out whether it is true.

Referring to the Geneva Convention of 1949 in respect to the forced repatriation problem, Mr. Acheson stated:

> "Is there anything in the convention which would lead one to believe that a prisoner of war must be forced at the end of a bayonet, fighting, perhaps dying, to go back when he does not want to go?
>
> "Is there anything in the treaty? I assure you there is not. You will search the treaty in vain for such provision." [Nor was there any such provision in the Yalta Agreement of February 11, 1945!].

Secretary Acheson then went back in history to the time when the 1949 Geneva Convention was being negotiated:

> The situation before (1949) had been that if the prisoner claims asylum, and if the detaining state believed that the claim was honest and bona fide . . . then the detaining state could permit him to remain. . . .

> After discussion it was decided to reject the new proposal [of guaranteed right of asylum] and what remained was the existing practice, namely, that a detaining state retains discretion as to whether it shall honor a claim for asylum or not. It may, of course, exercise that right; it would be unthinkable for anything else to be the case. Therefore, the international practice was maintained in the treaty as it had been before.

In other words, Acheson's remarks further confirm the fact that the Geneva Convention of 1949, so far as forced repatriation is concerned, is identical with the Convention of 1929.*

After Acheson had maintained the right of the detaining power to grant asylum to prisoners of war who do not want to be repatriated, in accordance with the Geneva Conventions of 1929 and 1949, he turned to the international practice in modern history. Since "international practice" has always been considered the main source of international law, Acheson's remarks on the subject are worth remembering:

> What was the international practice? It is just what I have said: If a prisoner believed that it was dangerous for him, that he might die if he were sent home, and if he claimed asylum, and if the detaining state thought that it was an honest bona fide claim, the detaining state could grant asylum. That was the practice.

To illustrate his point of view, the Secretary proceeded to give examples from history. He chose for that purpose fifteen treaties entered into by the Soviet Government [101] "because they are the loudest in screaming that this is quite illegal, wholly wrong and has never been engaged in before and that it is an imperialist warmonger's idea dreamed up by the Americans."

Although Acheson's list of treaties with the Soviets regarding repatriation was rather incomplete, it sufficed for his purpose.

Every single one of the treaties and agreements referred to by Acheson contained an almost identical clause, stating that forced repatriation of prisoners of war and civilian internees was strictly forbidden to both partners of the respective treaty or agreement.

After concluding his quotations from the post-World-War-I treaties on repatriation with the Soviets, Acheson added two Soviet statements on the problem of forced repatriation made during World War II:

* In 1955, I proposed such a convention when I published the "Draft Convention Against Forced Repatriation" in the U.S. and European press. See Chapter 9.

> Those are treaties signed by the Soviet Union Government. As Mr. Casey, the Foreign Minister of Australia, told us the other day, in World War II the Soviet Union, in an ultimatum to the commander of the German troops at Stalingrad on January 8, 1943, guaranteed to all who surrender that, after the end of the war they would be allowed to return to Germany, or to any country where war prisoners might desire to go.
>
> Later, in the Budapest area, a similar offer was made to German troops. And this is very interesting: A Soviet Union publication refers to these episodes as expressing the highest act of humanitarianism. And I agree with that. That, indeed, is the international practice, the international law in relation to this subject.[102]

The commander of the German troops at Stalingrad was General Friedrich Paulus. When he and his 300,000 troops accepted Stalin's offer to stop fighting and to surrender, promising them not to be repatriated to Germany by force, General Paulus became a kind of German Vlasov. First, he went over to the enemy; second, he became very active politically in Moscow, where he and his comrades were indoctrinated by German communists living then in the Soviet Union as refugees. However, there is a great ideological difference between the behavior of Paulus and his men and of Vlasov and his troops: Paulus and his officers became communists and put themselves at the disposal of Stalin's propaganda-apparatus, whereas General Vlasov and his followers never became Nazis or served the Nazi propaganda machine. From a moral point of view, there is a great deal of difference in favor of the Vlasovites.

It was none other than Walter Ulbricht who went to the most advanced points of the Red Army lines at Stalingrad to address General Paulus through loudspeakers and to urge him and his men to surrender to the Red Army. Ulbricht also told them, of course, that any forced repatriation to Germany would be out of the question. It is also interesting to note that no criticism from the Allies has ever been directed against Paulus and his men for having switched to the enemy's side and having given him "aid and comfort." One cannot escape the conclusion that what Paulus did, unpunished, was exactly the same thing that General Vlasov and his soldiers did in response to the American leaflets campaign. The only difference was that Vlasov and his staff were allowed by the Americans to fall into the Soviet hands, whereupon they were promptly hanged in Moscow.

Acheson's speech of October 24, 1952, proves that the U.S. Government considered any forced repatriation as a violation of international law, as well as of international practice. By quoting the many repatriation

agreements concluded by the Soviets between 1918 and 1921, Acheson demonstrated that forced repatriation was already then considered a violation of international law, international practice, and of the humanitarian principle of ready asylum for political exiles.

Since the U.S. Government so emphatically declared forced repatriation a crime against international law, why did it commit said crime both during and after World War II? And why have all American administrations, whether Democratic or Republican, kept silent about their guilt and also unjustifiably kept classified to this very day all the important documents on the matter?

By not purging ourselves of the crime of forced repatriation, as well as the withholding of all pertinent historical documents, in violation of two Presidential Executive Orders [103] (which provide that only those documents should be classified Top Secret whose release would seriously endanger American national defense and security), we have created a moral vacuum. The result has been a tragic loss of confidence in the United States, especially among the peoples behind the Iron Curtain, the peoples whom writer Eugene Lyons calls "our secret allies." They know the truth far better than the peoples in the West.

They could have understood a terrible mistake, and they might even have understood—and forgiven—a crime. What they could not and still cannot understand and forgive is an unadmitted and therefore unredeemed crime. This crime is still poisoning our spiritual relations with the millions under Communist oppression in Europe and in Asia.

Secretary Acheson's speech, which is one of the few great landmarks in the endless debates of the United Nations, was, of course, not the end of the story.

From the day Acheson delivered his speech to the day the Korean armistice was signed at Panmunjom on July 27, 1953, another ten months had to pass.

Since the Soviet Union had formally proposed in June, 1951, that truce talks should get under way, and because the forced repatriation question was the main stumbling block from the very beginning of the negotiations, I am convinced it can be said that the United States, which had learned the lessons of 1944–1947, preferred to prolong the Korean war by twenty-three months, both to prevent forced repatriation and to uphold international law and humanitarian principles. Secretary Acheson's speech of October 24, 1952, was indeed, not only the expression of his own opinion or that of the American Government; it was the expression of the opinion of the whole free world.

On April 28, 1952, a "Statement by the Senior United Nations Command Delegate, Vice Admiral Charles Turner Joy, Presenting the United Nations Proposals for a Solution of the Outstanding Questions in the Armistice Negotiations" was addressed to the Communists and released by the U.N. to the press on July 21, 1952, as S/2715. I quote the following passage:

> As for the second issue [exchange of prisoners of war] I have referred to for many weeks, the United Nations Command Delegation has stated that all prisoners of war must be released but that only those should be repatriated or turned over to the other side who can be delivered without the application of force. Your side has opposed this principle and has, instead, insisted that certain prisoners of war must be repatriated even if physical force is necessary, asserting that to accord respect to the feelings of the individual prisoner is unprecedented * and deprives a prisoner of war of his rights.[104]

On the same day Acheson spoke before Committee One, a Draft Resolution on a Korean Armistice, authored by the U.S., was submitted to the Political Committee of the General Assembly by the following twenty-one nations: Australia, Belgium, Canada, Colombia, Denmark, Ethiopia, France, Greece, Honduras, Iceland, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, the Philippines, Siam, Turkey, the United Kingdom, the U.S.A., and Uruguay.

Article 8 of the Draft Resolution read:

> The General Assembly calls upon the Central People's Government of the People's Republic of China and upon the North Korean authorities to avert further bloodshed by having their negotiators agree to an armistice which recognizes the rights of all prisoners of war to an unrestricted opportunity to be repatriated and avoids the use of force in their repatriation.[105]

Neither this Draft Resolution nor the more diluted one submitted by Mexico on November 3, 1952, was adopted.

On November 17, 1952, India submitted its Draft Resolution on the Repatriation of Prisoners of War which affirmed that such repatriation shall be effected in accordance with the Geneva Convention of 1949, that

* That the Communists used the word "unprecedented" shows their "bad" memory, pretending to have forgotten the innumerable Soviet treaties of the twenties which all "accorded respect to the feelings of the individual prisoner," as we have seen in Chapter 1 and can see again in Dean Acheson's speech.

force shall not be used to effect their repatriation to their homelands and that they shall "at all times be treated humanely."

It was this Indian Draft Resolution which finally was adopted by the Seventh General Assembly on December 3, 1952. Although it was slightly revised, the provisions pertaining to the exclusion of any forced repatriation were retained without any change. It was the end of the long and bitter struggle for the enactment of the humanitarian principle of voluntary repatriation only.

The adoption of the Indian Draft Resolution in a roll call vote by a vast majority of the General Assembly (fifty-four to five, with one abstention) * signaled not only a triumph of an humanitarian principle, it also established an indelible precedent in international law. From now on it will never again be possible to refer only to the Hague and Geneva Conventions, which do not contain any explicit provisions against forced repatriation. Moreover, it is no longer necessary to refer to the "spirit" of the Conventions.

The Indian Draft Resolution, adopted by the General Assembly on December 3, 1952, ended this ambiguous situation, and created written international law even in the absence of an explicit international convention against forced repatriation.

The Communists felt they had suffered one of their worst defeats in the cold and hot war against the free nations. It will not surprise anybody that Mao Tse-tung reacted in a most violent way. He ordered his Minister for Foreign Affairs, Chou En-lai, to cable Assembly President Lester Pearson, commenting on the Assembly's Resolution of December 3, 1952.

In the first paragraph of his cable, dated December 14, 1952, Chou En-lai says:

> The General Assembly of the United Nations, after illegally adopting in February 1951 the shameful and calumnious resolution slandering China as

* The voting was as follows: For: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Costa Rica, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia. Against: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR. Abstaining: China.
Yearbook of the United Nations, 1952, p. 201.

an aggressor, has now, in the absence of the representatives of the People's Republic of China and the Korean Democratic People's Republic, discussed the Korean question and adopted a resolution supporting the United States Government's position of forcibly retaining in captivity prisoners of war in contravention of international conventions, and facilitating its continuation and expansion of the war now raging in Korea. Such an action is clearly illegal and void and is firmly opposed by the Chinese people.[106]

The core of Chou En-lai's theory is that the whole concept of nonviolent repatriation is nonsense, because to assume that there could be prisoners of war who do not want to go back is absurd. In employing this argumentation, the Chinese Foreign Minister forgets the Soviet treaties of the twenties and the forced repatriation of 1944–1947 of millions of Soviet citizens. He cannot pretend not to have known that these people were repatriated against their outspoken desire. He cannot even pretend not to have known that it was exactly this tragedy which convinced the Allies, in the case of the Korean war, that those events should under no circumstances be repeated. In Chou's opinion, the "desire" of the Korean and North Chinese prisoners of war to "refuse repatriation" was solely "created by the United States side by the most brutal methods." To maintain such a position in view of the facts witnessed by the U.N. Armistice Commission and documented by the records of the U.N. screening teams is nothing but an unsuccessful attempt to twist history's evidence.

The truth is, that although the Geneva Convention does not contain an article simply stating "forced repatriation of any kind is forbidden;" neither does it contain any provision legalizing it. That the spirit of the Convention does *not* allow forced repatriation was rightfully inferred by the free nations of the world. Again, it is high time both to stress and to express this humanitarian spirit of the Convention in a new convention to be enacted by the same majority of the United Nations who so tenaciously and successfully fought against forced repatriation of the Korean and North Chinese prisoners of war.

11 The Austrian State Treaty and Forced Repatriation

Only a massive outpouring of public opinion through press, radio, TV, letters, and cables saved some forty thousand refugees in Austria. The drama began quietly enough in 1955 and was enacted over eight years and 379 meetings![107] That is how much time transpired between the date Austria became an independent nation under the Austria State Treaty until the finale of the refugee crisis. The intolerable delay was due to the Soviet Union's obstruction.

In the context of this study, there is only one article of special interest, which appeared in the Draft State Treaty for Austria, Article 16.

Article 16 was drafted by the Soviet Government as were articles 27, 42, 48 and 48-bis. All these articles, introduced by Foreign Minister Vyacheslav M. Molotov, were unacceptable to President Truman and his Administration, who refused to sign.

The Soviets remained adamant. But after Stalin's death, Austria and the other Western powers hoped there would be a change of Soviet attitude. However, when the Austrian State Treaty came up for consideration at the Berlin Foreign Ministers Conference of January 25–February 18, 1954, the Western Powers discovered that neither Stalin's death nor any other development of recent years had effected any basic change in the Soviet position.

On February 24, 1954, hardly a week after the closing of the Berlin Conference, Secretary of State John Foster Dulles, just returned from Berlin, delivered a speech over radio and television in which he said:

> First, as far as Europe was concerned, we brought Mr. Molotov to show Russia's hand. It was seen as a hand that held fast to everything it had, including East Germany and East Austria, and also it sought to grab some more. . . .
>
> The Soviet position was not at first openly revealed. It was masked behind ambiguous words and phrases. But as the Conference unfolded, the Soviet purpose became apparent. . . .

It amounted to this:

To hold on to East Germany;

To permit its unification with West Germany only under conditions such that the Communists would control the election machinery through all Germany;

To maintain Soviet troops indefinitely in Austria;

To offer Western Europe, as the price of Soviet 'good will,' a Soviet-controlled Europe which would exclude the United States except in the nominal role of an 'observer' along with Communist China.

This last Soviet project for what Mr. Molotov called 'European security' was so preposterous that when he read it, laughter rippled around the Western sides of the table, to the dismay of the Communist delegation.[108]

This, then, was the situation at the beginning of the Berlin Conference of 1954. Nine years of Soviet occupation of Austria had already bled that little country. Now it threatened to ruin it. As in the case of Berlin, by failure of the West—predominantly the Americans and the British—access to Vienna could be obtained only through Soviet-occupied territory. Besides, the Soviet forces in Austria constituted a continuing threat to the Balkans and served as an excuse for stationing Red Army units in Poland and Czechoslovakia. Moreover, the Soviet forces strengthened the Soviet military presence in East Germany.

If there was ever a protracted diplomatic negotiation in modern history, it was the process of concluding the Austrian State Treaty. As mentioned, it required 379 meetings and more than eight years (1947–1955) to realize the solemn pledge to create a "free and independent Austria" made by the foreign ministers of the United Kingdom, the Soviet Union, and the United States at the Moscow Conference in 1943.

As a State Department high official said in a letter to me:

> Perhaps the most important factor of all was the repeated plea for a settlement expressed by the Austrian Government itself, whose political future had inevitably to be staked on the resolution of this cardinal issue. As the Austrian Foreign Minister, Dr. Figl, stated his government's case at the Berlin meeting: 'We . . . are prepared to go to the very limit of what is possible to give our people the State Treaty and thereby their freedom.'
>
> It was this sense of urgency which induced Secretary Dulles, with the foreknowledge and approval of the Austrian, French and United Kingdom Governments, to propose at the Berlin meeting acceptance of the Soviet position on six disputed articles of the draft treaty in return for immediate signature of the treaty and Soviet agreement to receive its share of German assets in Austria in goods in lieu of gold. Acceptance of the Dulles proposal would have achieved the main objectives of Austria and the Western Powers —i.e., to end the occupation regime and to remove Soviet forces from Austria.

Article 16 of the Draft State Treaty for Austria reads:

> 1. Austria undertakes within the period determined by the Allied Commission for Austria to take all necessary measures to complete the voluntary repatriation of Displaced Persons within its territory.
>
> 2. Austria undertakes to render full assistance to the Allied and Associated Powers concerned in regard to the voluntary repatriation of their nationals and will enter into direct bilateral negotiations for this purpose.
>
> 3. Austria further undertakes:
>
> (a) to permit accredited representatives of any Allied or Associated Power whose nationals are in camps or assembly centers allotted to Displaced Persons now in Austria to visit freely such camps or centers for the purpose of conferring with its nationals;
>
> (b) to prohibit in such camps or centers any propaganda hostile to the interests of the Allied and Associated Powers and any activities designed to induce such Displaced Persons not to return to the countries of which they are nationals;
>
> (c) to dissolve immediately any 'committees,' 'centers' and other similar organizations existing in those camps and assembly centers that may be found to be engaged in activities opposed to the interests of the Allied and Associated Powers;
>
> (d) to prohibit the recruiting of Displaced Persons into military or paramilitary organizations;
>
> (e) to provide the means of transportation necessary for the transfer of repatriates to the frontier of their countries of origin nearest Austria.
>
> 4. Austria undertakes to grant to such Displaced Persons the same rights in all respects as those normally accorded to non-Austrians who have been legally admitted into Austria.*
>
> 5. No relief shall be given by Austria to persons who refuse to return to their native countries, if these persons fought on the side of the enemies of the Allied and Associated Powers, or voluntarily collaborated with the enemies of these Powers, or engaged in hostile activities against their countries of origin, as well as any of the United Nations, or are members of organizations and groups which encourage Displaced Persons not to return to their countries of origin.
>
> 6. This Article shall be applied without prejudice to the provisions of Article 11 of the present Treaty.[109]

* [The most important right of non-Austrians, "legally admitted into Austria," is the right not to be forcibly repatriated.]

After the events of 1944–1947, and after Korea and the propagandistic use by the Soviets of the brutalities and outright atrocities committed by the U.S. and British military authorities in forcing the surrender of the Vlasov soldiers (the Cossacks and thousands of regular Soviet prisoners of war who did not want to return), Molotov deemed it opportune, in the draft of Article 16 (paragraphs 1 and 2), to pay lip service to the principle of "voluntary repatriation." In the other provisions, the Draft State Treaty for Austria closely follows the Yalta Agreement.

We find in both documents the right of immediate access into camps and the interdiction of "hostile propaganda" against any of the contracting parties. However, in Article 16 of the Draft Austrian State Treaty the propaganda which would not be tolerated was spelled out: ". . . activities designed to induce . . . Displaced Persons not to return to the countries of which they are nationals."

Soviet intention to compel the Austrian Government to repatriate Soviet citizens by force become abundantly clear, as we have seen, in Section 3, paragraph 5:

> No relief shall be given by Austria to persons who refuse to return to their native countries, if these persons fought on the side of the enemies of the Allied and Associated Powers, or voluntarily collaborated with the enemies of these powers, or engaged in hostile activities against their countries of origin, as well as against any of the United Nations, or are members of organizations and groups which encourage Displaced Persons not to return to their countries of origin.

Here, the last doubt vanishes about what Molotov meant by "voluntary repatriation." He simply meant forced repatriation.

This last provision is unique in the history of state and peace treaties. It is the first time in history that a government is compelled not to give relief to prisoners of war and displaced persons who do not want to return. In other words, the Austrian Government was supposed to let from thirty to forty thousand political refugees starve to death!

Surprisingly, Article 16 was accepted by the American, British, French, and Austrian foreign ministers at the Berlin Conference on February 14, 1954, as part of a package deal by which the Western Powers summarily accepted all draft articles introduced over the years by the Soviets and opposed so bitterly by the Truman Administration.

The package proposal to accept all those contested articles was introduced by Secretary Dulles on February 14, 1954.[110]

To this day, it remains a mystery how it was possible that the foreign

ministers of the Western Powers were willing to accept Article 16 of the Draft Treaty which—had it not been abrogated later in 1955—would have necessarily repeated in Austria all the unspeakable atrocities perpetrated in the years 1945–1947.

It is especially difficult to understand how the Austrian Foreign Minister, Dr. Figl, could ever have agreed to Article 16. That he did agree can be seen not only from the document quoted above, but also from his statement at the Berlin Conference of February 16, 1954:

> We came to Berlin with the conviction that it would be possible to agree on the State Treaty. This assumption has been proved correct in that agreement has been reached on the present draft of the State Treaty to the extent that the Foreign Ministers of the United States of America, France, and the United Kingdom have accepted the Soviet demands in the matter of the articles which were still outstanding. I think I may say that the signing of this Draft State Treaty would not have meant a loss of prestige or the abandonment of any real positions of strength for any one of the Four Powers participating in the Conference.[111]

Dr. Figl's statement is self-defeating. It was, of course, always "possible to agree on the State Treaty" under the condition of unconditional surrender of the West to Soviet dictates! Under the assumption of accepting the articles proposed by the Soviets, it was certainly not necessary to negotiate for eight or nine years and to meet 379 times.

The attitude of the Western Powers was a complete and unmitigated victory for Molotov. History has seldom seen such an unconditional surrender to the Soviets as the Berlin Conference of Foreign Ministers of 1954.

The ceremony of the signing of this Draft State Treaty for Austria was set for February 18, 1954. It did not, however, take place, the only reason being that—fortunately—the Soviets suddenly overreached themselves. They insisted on keeping Soviet troops on Austrian soil even after signing the Treaty! But the Western Powers were not ready to accept prolonged Soviet occupation of Austria.

When it became obvious that the Berlin Conference of February, 1954, was a complete failure because of the Soviet insistence on continued occupation of Austria, Secretary of State Dulles—acting in the name of all Western participants—officially withdrew his and other parties' proposal to accept all contested draft articles, including Article 16. In his final remarks in Berlin, on February 18, 1954, he said:

As I speak for the last time at this Conference, I cannot but record a large measure of regret. We have failed to satisfy the hopes which many throughout the world placed in us. I refer particularly to the peoples of East and West Germany and Austria.

We encountered a fundamental difference between the views of the East and the West. . . .

The Western Powers were willing to place trust in the German and Austrian peoples. The Soviet Union was not. . . .

That is why, it seems, the Soviet Foreign Minister found it impossible to agree to the unification of Germany through genuinely free all-German elections, as we proposed, and why he has insisted that Soviet troops must remain indefinitely in Austria.

I should, for the sake of the record, emphasize what I think is already clear, that the agreement by the United States to accept the Soviet version of several articles was made for the purpose of achieving an Austrian State Treaty at this Conference. They were made as part of a total effort, which we assumed the Soviet Union would cooperate with. Since that assumption has proved ill-founded, the United States must reserve its position and the concessions which it offered at this meeting must be regarded as withdrawn.[112]

This was a logical step in Dulles' diplomacy.

But soon Dulles pressed Molotov to allow the United States to withdraw its objection to Article 16 and to accept it again. He did this in two diplomatic notes to the Soviet Government.

The first, dated September 10, 1954, was sent in reply to a Soviet Note of July 24, 1954, on European security. Identical notes to the Soviet Government were delivered by France and the United Kingdom.

In this note, Secretary Dulles reassured the Soviet Government:

> At Berlin the U.S. Government offered, contingent upon prompt Soviet acceptance, to accept the Soviet text of all previously unagreed articles in the Austrian State Treaty. The U.S. Government is prepared to renew this offer now. If the Soviet Government will sign the treaty on these terms, agreement could thus be reached at once to restore to Austria the freedom and independence which have been promised to her since 1943.[113]

And again on November 29, 1954, Mr. Dulles and his colleagues emphasized that the Austrian Government, too, had fully accepted the Soviet draft of Article 16 by stating in the diplomatic note to the Soviet Government of that day:

> As regards Austria, the United States Government can see no justification for the continued denial to that country of the freedom and independence promised her by the four powers in the Moscow Declaration of 1943. The governments of the United Kingdom, United States and France expressed themselves ready at the Berlin Conference to sign the Austrian State Treaty with the Soviet text of the previously unagreed articles. The Austrian Government for its part made it plain, that it concurred in this view, and this remains its position. Meanwhile, the United States Government for its part reaffirms its desire as expressed in the note of September 10, to proceed as soon as possible to the signature of the Austrian State Treaty.[114]

Considerable public pressure was necessary fifteen months after the Berlin Conference to force Secretary Dulles to order the U.S. Ambassador in Vienna, Llewellyn Thompson, to insist on the abrogation of Article 16.

The public pressure upon Dulles as well as upon the Austrian Government by the press, letters, wires, and cables, and also by mass demonstrations in front of the Viennese Chancellery at the Ballhausplatz, was of such magnitude that it ultimately succeeded.

The willingness of the Soviet Union, represented by Molotov, to renounce Article 16, was, of course, based on hard reality. The Soviets had altered their policy toward the Austrian State Treaty early in April, 1955. This reversal of their policy coincided with the Paris accords concerning the restortation of full sovereignty of the Federal Republic of Germany.* By these accords, a Western European Unity was created and West Germany joined the NATO. It was at that juncture that the Soviet Government invited the Austrian Government to send a delegation to Moscow. At that time, the public campaign against Article 16 was already in full swing and the Soviets relented.

A memorandum on the Soviet-Austrian Agreement of April 15, 1955, contains the following statement in Article II, Paragraph 3: "The Soviet Government considers Articles 6, 11, 15, 16-bis and 36 as obsolete or superfluous and is prepared to drop these Articles." [115]

The Moscow Conference lasted from April 12 to April 15, 1955, and produced the final agreement.[116]

Neither the signed agreement as published in *The New York Times* of

* That the Soviets had realistic reasons for their change of mind, and their sudden willingness to sign the Austrian State Treaty, can be seen from Dulles' report to President Eisenhower on the Austrian State Treaty of May 27, 1955, in which he wrote: "Certainly it is not without significance that this change coincided with assurance that the Paris pacts would be ratified, Western Europe consolidated, and a free and independent Federal Republic of Germany brought into NATO." (Ibid., p. 96)

April 16, 1955, nor any other dispatch in the American press mentioned Article 16. What happened in respect to Article 16 at the Moscow Conference is not clear. This fact led later to the speculation that the supposed Soviet intention to renounce Article 16, if ever expressed, did not come in good faith. There was even a suspicion expressed in the American press that Chancellor Raab entered into a secret—perhaps oral—agreement which provided for the extradition of Soviet refugees in Austria. However, this was strongly denied by the Austrian Government and could never be proved.*

This Soviet-Austrian Agreement was concluded and signed in Moscow exactly one month before the solemn signing of the Austrian State Treaty in Vienna's Belvedere Palace on May 15, 1955.

However, Secretary Dulles referred in his statement before the Senate Foreign Relations Committee on June 10, 1955, to the deletion of Article 16 with the following words:

> Briefly, here are some of the important ways in which the treaty was changed during two weeks of intensive negotiation:
>
> The so-called 'war guilt' clause in the preamble was removed.
>
> The draft article concerning displaced persons and refugees formerly known as Article 16 was deleted. Much concern had been voiced about it here and abroad, and it contained provisions for Soviet activities inconsistent with Austria's status of independence.†

What Mr. Dulles referred to as "much concern" was actually one of the greatest public pressure campaigns ever waged in behalf of a humanitarian principle.

How did this campaign come about? I would not be telling the whole story about forced repatriation and the fight against it if I did not refer here to my own part, however small, in this cause.

* As we have seen, the Memorandum on the Soviet-Austrian Agreement as published in the *Department of State Bulletin*, of June 20, 1955, mentioned as "obsolete or superfluous" Article 16-bis, but not Article 16. Article 16-bis dealt only with the transfer of persons of German origin and had no connection with Article 16, which dealt with the Soviet refugees in Austria.

† *The Department of State Bulletin*, June 20, 1955, p. 1014. Dulles' description of Article 16 as "inconsistent with Austria's status of independence" is one of the most self-incriminatory confessions in modern diplomacy. It was Dulles himself who agreed to Article 16 without even blinking an eye, and it was the Austrian Foreign Minister Dr. Figl who maintained at the Berlin Conference of February, 1954, that acceptance of Article 16 "would not have meant a loss of prestige or the abandonment of any real positions of strength for anyone of the Four Powers participating in the Conference."

The American public's attention was first drawn to the shameful Article 16 in the Draft Treaty For Austria in a letter to the editor appearing over my signature in *The New York Herald Tribune* of April 23, 1955:

FORCED REPATRIATION IN TREATY PROTESTED

To the N.Y. Herald Tribune:

The Austrian State Treaty which the Soviets and the Austrian government just agreed to sign—pending the consent of the American, British and French governments—may well bring about one of the greatest tragedies in modern history.

The origin of this tragedy must be seen in the Soviet version of Article 16 which deals with former Soviet citizens who are now living as displaced persons in Austria. There are now about 30,000.

Article 16 of the Austrian State Treaty, against which the American government had fought for about eight years, and which it suddenly accepted on February 14, 1954, at the Berlin conference, creates a similar situation as had existed in 1945, when Soviet missions visited our P.O.W. camps and when we forcibly repatriated millions of anti-Communist prisoners of war and civilians.

Article 16 provides: "Austria undertakes . . . to take all necessary measures to complete the voluntary repatriation of displaced persons within its territory." Today, ten years after the end of hostilities, there is, of course, not a single displaced person in Austria who, voluntarily, would want to be repatriated to the Soviets.

"Austria undertakes to render full assistance to the Allied and associated powers [read *to the Soviet government*] concerned in regard to the voluntary repatriation of their nationals and will enter into direct bilateral negotiations for this purpose." That means that a powerless Austrian government would have to face the Soviet government. Under this circumstance it is, of course, more than doubtful that the human rights of the anti-Communist displaced persons could ever be protected.

"Austria further undertakes:

"To permit the accredited representatives of any allied or associated power [read *Soviet representatives*] . . . to visit freely such camps or centers for the purpose of conferring with its nationals." This provision can only mean the repetition of the horrible scenes of attempted coercion which the world has witnessed in the neutral zone in Korea.

"To prohibit in such camps or centers any propaganda hostile to the interests of the allied and associated powers [read *of the Soviet government*] and any activities designed to induce such displaced persons not to return to the countries of which they are nationals." This stipulation gives the Soviets a complete monopoly of propaganda, coercion and blackmail with

no possibility to counteract the brainwashing to be expected in Austrian camps.

"To dissolve immediately any 'committee,' 'center' and other similar organizations existing in those camps and assembly centers that may be found to be engaged in activities opposed to the interests of the allied and associated powers." [read *the Bolshevist tyranny.*] This paragraph can only be interpreted as a deprivation of all organized aid and protection and an invitation to the Soviet agents in Austria to destroy the lives of the 30,000 vigorously anti-Communist displaced persons.

Paragraph 5 of Article 16 provides:

"No relief shall be given by Austria to persons who refuse to return to their native countries if these persons fought on the side of the enemies of the allied and associated powers, or voluntarily collaborated with the enemies of these powers, or are engaged in hostile activities against their countries of origin, as well as against any of the United Nations, or are members of organizations and groups which encourage displaced persons not to return to their countries of origin."

This paragraph is the most insidious clause of the Austrian State Treaty. It is the first time in history that a government will be forbidden by international law to give aid to the poor and destitute. It means a complete renouncing of the principles of Western civilization.

If these provisions of the Austrian State Treaty should ever become valid, it would only mean a tremendous Soviet victory in the cold war of ideas and morals.

There can be no doubt that validation of the provisions mentioned above would put an end to the ideological war, would render utterly useless our anti-Soviet media as the Voice of America, Radio Free Europe and Radio Liberation, and would certainly deprive us of the last vestiges of our reputation as defenders of liberty and human rights, especially in Asia and Europe.

Julius Epstein
New York, April 21, 1955

It was this letter to the editor of *The New York Herald Tribune* which sparked the fight against Article 16, a fight which ultimately resulted in its abrogation.

Two days after the appearance of the letter, New York's Congressman Albert H. Bosch inserted it in the Congressional Record of April 25, 1955. In his introductory remarks, Congressman Bosch said:

> At this time we are giving a good deal of attention to the Austrian State Treaty, and we should examine it thoroughly and make sure that we do not make the same mistake with regard to forced repatriation that we made following World War II. I take this opportunity to draw to the attention of my colleagues Article 16 of the Austrian State Treaty.

> Under leave to extend my remarks, I include a letter written by Mr. Julius Epstein to *The New York Herald Tribune* giving an excellent analysis of Article 16, which appeared in the April 23, 1955, edition of said newspaper.

Two days later, on April 27, 1955, the *Daily News* of New York, America's largest daily newspaper, with a circulation then of more than two million copies, carried an editorial entitled "Repeat A Crime Of 1945?" in which it stated:

> If carried out, Article 16 would produce a small-scale repetition of the huge crime of 1945, when the Allies forced hordes of Russian war prisoners and deserters to return to their homeland and certain death. Many of these killed themselves rather than go back to the Red paradise.
>
> We hope the Western powers will insist that this article be kicked out of the treaty in its entirety.

On April 28, 1955, *The New York Herald Tribune* carried another letter to the editor protesting against Article 16.

The letter was signed by all the members of the General Committee of the Assembly of Captive European Nations. They were: Hasan Dosti, Albania; Dr. George Dimitrov, Bulgaria; Dr. Stefan Osusky, Czechoslovakia; Leon Vahter, Estonia; Dr. Tibor Eckhardt, Hungary; Dr. Vilis Masens, Latvia; Vaclovas Sidzikauskas, Lithuania; Karel Popiel, and Stefan Korbonski, Poland; and Constantin Visoianu, Rumania.

This publication was a result of my letter to the editor of *The New York Herald Tribune*, as was the editorial in New York's *Daily News*, and of many other editorials and articles throughout the American and European press. But it carried special weight with the American Government because the Assembly of Captive European Nations was, and still is, wholly supported by the American Government.

On the same day, April 28, 1955, International News Service wired a protest by Eugene Lyons and Vladimir Rudin to its European clients. Its brief but poignant text read:

> New York, April 28—(INS)—Two U.S. Experts on Communism said today that thousands of Anti-Communist Russian refugees in the Western zones of Austria are panic-stricken at the prospect of forcible repatriation to the Soviet Union.
>
> Eugene Lyons and Vladimir Rudin, Co-Directors of an Anti-Communist Orangization called the 'Political Research Project' charged that the Kremlin was demanding the return of 30,000 Anti-Communist Russian refugees as the price for freeing 600 Austrian prisoners of war.

They called on the United States to repudiate immediately and publicly this provision of the Austrian Treaty. This provision, they said, already has won the agreement of the Austrian government and was approved by the Berlin Four-Power Ministers Conference in February 1954.

'To be a party to such a travesty on Justice and human rights would render useless and absurd all our efforts in the Cold War,' Lyons and Rudin declared.

On the same day, April 28, 1955, I thought it opportune to make sure that Secretary Dulles got the message, expressed for the first time in my communication to *The New York Herald Tribune* of April 23, 1955. I therefore sent Dulles a telegram which was also released by the United Press and other communications media. The UP release read:

> Secretary of State John Foster Dulles was asked today to instruct the American delegation at the forthcoming Austrian treaty talks not to approve an article dealing with political refugees as the article is a 'violation of the Geneva Convention.'
>
> A telegram sent to Dulles by Julius Epstein, former Executive Secretary of the American Committee For The Investigation Of The Katyn Massacre, Inc., said the American delegation should call on its opposite numbers to reject Article 16 of the Draft Treaty.
>
> 'Article 16 would lead to repetition of the tragedies of forced repatriation of 1945 through 1947. . . . It would represent a violation of the Geneva Convention and of American tradition of ready asylum for political exiles,' Epstein told Dulles.
>
> Millions of Displaced Persons are anxiously waiting for an American declaration guaranteeing human rights and protection from any further repatriation.
>
> The above quoted article [16] stipulates that the Austrian government discuss with Russia and satellite governments repatriation of refugees from behind the Iron Curtain who at present are living on Austrian territory.

On the same day, April 28, 1955, several prominent Soviet exiles, then residing in the United States, released a strong protest against the incorporation of Article 16 in the Austrian State Treaty. Their protest was published the next day. This "Appeal to the American Government and the American People" was signed by the following Soviet exiles: Nicolai Kholkov, former captain of Soviet Intelligence who, in February, 1954, had successfully foiled a Soviet assassination plot; Peter Pirogov, former Lieutenant of the Guards of the Soviet Air Force, who, with his wife, Valeria, and Barsov, another Soviet pilot, flew his plane—a MIG—from

Kiev to Linz in the American zone in Austria. It was the first MIG brought to the Americans. (Later, former Soviet pilot Barsov, who could not find a job in the U.S. and was not provided with one by the C.I.A., went back to the U.S.S.R., where he delivered anti-American speeches on the Soviet radio. In spite of this, he was subsequently executed by the Soviets. Pirogov, the former Guards officer, was more fortunate. He wrote a book and finally found employment as a taxi driver in Washington, D.C.)

Among the other signers of the appeal to the U.S. Government were: Lev Vasiliev, former member of the Soviet Embassy in Iran; Vladimir Urasov, former Lieutenant Colonel of the Soviet Army; Victor Lukianov, former Soviet Army Major; Vasily Smirnov and Herman Tikhof, both former captains of the Soviet Air Force; Mikhail Koriakov, and Nikolai Los, both former Soviet Army captains; Boris Olshansky, also a former captain, who was a witness in the Congressional Investigation of the Katyn Massacre and later re-defected to the U.S.S.R., where he died, and Vladimir Sokolov, another former Soviet Army captain. The last in the list of signers of this protest against Article 16 was Victor Robsman, former correspondent of the Soviet Government's daily newspaper *Izvestia* in Iran.

In their dramatic appeal these prominent Soviet exiles in the United States stated:

> The Western nations are planning a treaty with the U.S.S.R. concerning Austria. If they accept Article 16 of this treaty, they will send to suffering and death more than 30,000 of our brothers—political emigrants from the Soviet Union, who have been granted the right of political asylum in the Western Zones of Austria. We know the terrible tragedy which occurred after the end of the war, when according to the Yalta Pact the Western nations turned over to the Communists hundreds of thousands of Russian anti-Communists. People cut their veins, committed suicide, rather than wind up in the hands of the Communist butchers.
>
> If this tragedy is repeated . . . it will mean that the free world tramples on the elementary rights of freedom and honor for which it is fighting.
>
> . . . the Communist dictators are striving to retrieve the living witnesses of their crimes . . . and deprive the free world of its faithful allies. . . .
>
> We appeal to the Government of the United States, to American public opinion, and to all honest people of the world: AVERT THE CRIME THAT IS BEING PREPARED!

The New York Times of April 29, 1955, carried an editorial "Austria And Repatriation" in which it said: "It becomes necessary to draw the attention to one problem which imposes a moral responsibility on the

West. This problem concerns some 30,000 refugees from behind the Iron Curtain who are now living in Austria, and whom the Soviets seek to recapture and punish as a warning to others who might wish to escape to freedom."

It is interesting to note that *The New York Times* recognized in this editorial once and for all that the repatriation problem does impose "a moral responsibility on the West." The West did not honor this "moral responsibility" in the years 1944 to 1947 in regard to Soviet refugees, nor later in regard to the repatriation of Yugoslav refugees from Austrian and Italian territories.

Thus was the power of this worldwide campaign against Article 16 sparked by a single letter to the editor of *The New York Herald Tribune.*

Times correspondent Harry Schwartz reported from Vienna [117] that the Austrian Government had declared that it hoped that the final version of the State Treaty would not contain "any provisions affecting the status and continued presence of the East European Refugees now here." He wrote:

> The assurances were given to quiet the rising fear of refugees here that Article 16 of the old State Treaty draft might provide the basis for a forced repatriation of anti-Communists similar to that imposed on Soviet citizens in the West immediately after World War II.
>
> Oskar Helmer, the Interior Minister, declared: "I cannot and I must not hand over people who have lived in Austria ten years. I cannot hand people over to the hangman."
>
> The prevailing feeling among high Austrian officials seems to be that Article 16 is obsolete since it originally was drawn up in 1946 and 1947 when the situation was different and many more refugees were here. The Austrians hope Article 16 will be removed from the new treaty draft. . . .

Since there is no reason to question the veracity of Harry Schwartz's report, a question of great interest to the historian arises.

If on April 29, 1955, the Austrian Government considered forced repatriation of the Soviet refugees as a crime and Article 16 as "obsolete," as Interior Minister Oskar Helmer, spokesman for the Austrian Government, rightfully stated, why had this same government, through its Foreign Minister Dr. Figl, declared its readiness to accept Article 16 at the Berlin Conference in February, 1954?

The fact that the Austrian Government had unconditionally accepted Article 16 in Berlin in 1954 and publicly repudiated it only after a worldwide press campaign, which branded Article 16 and its possible acceptance as a crime against humanity, remains a blot on the Austrian postwar record.

To complete the record—for the purpose of this study—of prominent Russians who joined the chorus of protests against Article 16, we must mention the letter which Alexander Kerensky, as "the last Prime Minister of a democratic Russia," addressed to President Eisenhower on May 2, 1955,[118] and which he concluded by saying:

> Should Article 16, and especially its paragraph 5 of the Austrian State Treaty, ever come into force, the Austrian Government would be bound to renounce the principles of a civilization which has been based upon almost 2,000 years of Christian heritage.
>
> There is, however, one big ray of hope left to the more than 30,000 prospective victims of Soviet tyranny in Austria: that is the fact that Article 16 cannot come into force without American consent.
>
> It is therefore, Mr. President, that I appeal in the name of the many thousands unknown to you and your deep sense of justice, honor and charity to prevent by your veto one of the great tragedies and one of the great international crimes, endangering now the lives of all anti-Communist Displaced Persons from behind the Iron Curtain in Austria.

Not before May 4, 1955, did *The New York Times* publish the text of Article 16 which I had published in the *New York Herald Tribune* on April 23, 1955. The May 4 issue of the *Times* also carried a long report from Vienna by John McCormac. Following the McCormac report, there appeared a short item reporting a big protest demonstration by representatives of leading American welfare organizations on the Plaza in front of the United Nations.

Most of the many American voluntary agencies dealing with refugee and other humanitarian problems had already sent their delegations to Washington to see Dulles. Besides, Dulles' office was swamped by telegrams and cables protesting the acceptance of Article 16.

It was one of the greatest public opinion campaigns in American history, resulting in a change of an international treaty, and proved a full success. (The diplomatic anatomy of this success is still secret. The Department of State has not yet released the pertaining diplomatic papers.)

On May 5, 1955, the American press reported from Vienna that the Soviets, in view of this tremendous campaign, had yielded on Article 16. Soviet Ambassador Ivan I. Ilyichev had finally renounced—on Khru-

shchev's and Molotov's orders, it must be assumed—Soviet opposition to the abrogation of Article 16.

Ten days later, on May 15, 1955, the Austrian State Treaty was signed in a solemn ceremony at the Belvedere Palace in Vienna.

The Soviet refugees in Austria were saved.

12 The Soviet Campaign for the "Return to the Homeland"

The Case of the U.N. High Commissioner For Refugees, Dr. G. J. van Heuven Goedhart

Shortly after the battle against Article 16 was won by the West, it became apparent that while the Soviets had not abandoned their resolve to get back the hundreds of thousands of voluntary Soviet exiles in Western Europe as well as overseas, they had thoroughly changed their tactics.

Soviet defectors who had been considered not long ago as the "scum of the earth, traitors to their fatherland, spies, warmongers and lackeys of Wall Street," to quote just a few of the epithets used by the Kremlin to describe them, were suddenly wooed with promises that everything would be forgiven and forgotten if they returned.

This new Soviet policy towards political exiles could be observed all over Europe, especially in Germany, where at that time the largest number of refugees and escapees from behind the Iron Curtain were either living or passing through.

To carry out the new policy, the Soviets had created a Committee For The Return To The Homeland, with headquarters in Berlin's Soviet sector. The Committee started publishing a bimonthly, called *For Return To The Homeland.*

The Soviet propaganda, aimed at these exiles, took full advantage of the blunders of the West European countries as well as of the frightful mistakes made by the Americans in treating political exiles and Soviet defectors. A case in point is an article headlined "It is Impossible To Go On Living Like That," from which I quote the following paragraphs:

> Why should Nikolai Grigorievich Ruban, a former agronomist, sweep streets in Regensburg?
>
> What forces an intellectual like A. Bukhanzev, living in Augsburg, to subsist by picking over garbage before daylight, set out before houses occupied by Americans?

Is it possible that Vishniakov, living in the same city of Augsburg, can be satisfied by his semi-starving existence there where he has nothing except a miserable unemployment dole?

In a leading editorial, "Reject Your Absurd Fears," we can read the following:

The statement of Prof. V.P. Vasiliki [a prominent Ukrainian refugee who had returned to the Soviet Union] has once again confirmed the dark work that is being accomplished among displaced persons by certain émigré leaders bought by the American intelligence.

These political speculators are selling their fellow countrymen wholesale and retail; they are pushing them on the dishonorable and destructive path of spying and sabotage against our homeland and preparing them to become cannon-fodder for the imperialist adventurers.

We know that the great majority of our fellow countrymen have kept their love for their country intact and long to return. But they are hesitating to do so only because they are frightened by lies about the Soviet Union, and inventions of punishment always awaiting them upon their return.

Fellow countrymen, reject these absurd fears! Do not believe the political speculators who earn their living on your blood and sweat. To break with them and return is the only right path, which must be chosen by all our fellow countrymen who value their conscience, their honor, and their human dignity.

Other articles featured the wonderful life re-defectors had already found in the Soviet Union. To alleviate the fears of war and to stress the validity of the then still relatively new coexistence-appeasement policy, the widely circulated interviews by William F. Hearst, Jr., with Bulganin, Khrushchev, and Zhukov were distributed in pamphlet form.

Those interviews had also been published by the Communist Party in the United States. *The Daily Worker* of May 23, 1955, greeted their appearance in a pamphlet: "Here is a clear exposition of the Soviet attitude toward the United States and to the question of peaceful coexistence."

The Soviet campaign, aimed at an ideologically forced repatriation of Soviet defectors, had never been successfully countered by American propaganda. As one of the experts put it: "How can we counter Soviet propaganda, when it is true that Nikolai Grigorievich Ruban is still sweeping the streets in Regensburg and A. Bukhanzev is really collecting garbage from cans in front of American dwellings?"

And he added: "What can we do about it, when the Soviet propaganda

approaches individually those defectors who escaped to the West three, four, five, and even six years ago and who are still in DP camps without any hope to establish a new life in the West?"

However, the Soviets did not restrict themselves to ideologically forced repatriation. They also tried their hands at brutal, physical, forced repatriation. Many defectors in the United States were kidnapped and brought aboard Soviet ships and airplanes.

The Soviet intelligence apparatus devoted special attention to the almost forty thousand former citizens who had entered the United States after World War II on false identities.

Many of those Soviet defectors had forged their identity papers in German camps on the explicit advice of American officers and other authorities. They did this because the Americans had explained to them that if they revealed their true Soviet origin, they could still be repatriated to the Soviet Union under the—misinterpreted—provisions of the Yalta Agreement. And since, by then, everybody knew that would mean forced repatriation, even though the agreement did not contain the word "force," every Soviet citizen was eager to escape this fate and was, in fact, driven to falsify his personal documents.

Under the McCarran-Walter Act on immigration, those forty-thousand defectors had—if discovered—to be deported.* The Soviet intelligence apparatus in the U.S. knew all this of course. So the Soviets forced former citizens living in the U.S. to serve as spies or to return home.

When I learned about this and later had corroborative evidence, I wrote a letter to President Eisenhower explaining the situation and asking for an amendment to the Immigration and Nationality Act of 1952. The letter was placed on the President's desk by his press secretary, James Hagerty.

Shortly thereafter—on February 8, 1956—President Eisenhower sent his message on immigration to Congress. In it appeared the following paragraph:

A large group of refugees in this country obtained visas by the use of false identities in order to escape forced repatriation behind the Iron Curtain; the number may run into the thousands. Under existing law such falsification

* The Immigration and Nationality Act, Public Law 414, June 27, 1952, better known as the McCarran-Walter Act, provides under Section 241: "An alien shall be deported as having procured a visa or other documentation by fraud. . . ." *United States Statutes At Large, 1952, Volume 66,* United States Government Printing Office, Washington: 1953, p. 208.

is a mandatory ground for deportation. The law should be amended to give relief to these unfortunate people.[119]

The President's message was the first break in a tragic situation.

By condemning forced repatriation in his message to Congress, President Eisenhower—by implication—condemned forced repatriation in general. (Why did General Eisenhower not realize in 1944–1947 what President Eisenhower realized in 1956?)

As a result of President Eisenhower's demand, Senator Watkins of Utah introduced an amendment on the same day the President's message reached Congress. Its aim was to clear all those anti-Communist Soviet citizens who were then living in the United States under false identities and who had reasonable grounds to fear repatriation to their former residence or homeland where they "would be persecuted because of race, religion or political opinion." [120]

After the initial success in getting the Watkins amendment introduced, the question arose as to how to speed adoption in the Senate.

I thought it might be helpful if I could appear before the Senate Internal Security Subcommittee in order to reveal for the first time the crime of forced repatriation committed in 1945–1947 and also to explain the tragic situation in which former Soviet citizens found themselves.

In my testimony on May 18, 1956, before the subcommittee (chaired by Senator Eastland) I gave a brief survey of U.S. forced repatriation practices after World War II. I called the Subcommittee's attention to the Top Secret Army survey, "Operation Keelhaul," and explained the situation of the forty thousand former Soviet citizens in the U.S. who had been admitted under false identities. I pointed out how Soviet intelligence agents used their knowledge about the condition of those who had entered the U.S. on false pretenses to blackmail them to become spies for the Soviet Union or be exposed as perjurers, to be deported under the provisions of the McCarran-Walter Act.

When Senator William E. Jenner (R., Ind.), who was in the chair during my testimony, asked me what should be done, I recommended a complete amnesty for those who had to falsify their identities and who had done so in many cases on the urgent advice of American officers and other authorities in Europe.

With this testimony, the ice of a conspiracy of silence in America's organs of public opinion was broken. The newspapers carried the story, many on their front pages. And many prominent witnesses who followed

me corroborated my testimony and even told the story in much more detail than I did.

The Case of Dr. G. J. van Heuven Goedhart

One part of my testimony aroused special interest in the administration as well as in the press. In it I dealt with Dr. G. J. van Heuven Goedhart, then United Nations High Commissioner For Refugees, with headquarters in Geneva. Public interest was based on the fact that the bill for the U.N. High Commissioner For Refugees' office was largely footed by the American taxpayer.

I testified that Dr. van Heuven Goedhart had written an introduction to *The Great Conspiracy Against Russia*, a book by two of the most prominent American Communist writers, Albert E. Kahn and Michael Sayers.

Interestingly, van Heuven Goedhart's introduction in defense of Stalin never appeared in the book's original American edition but only in its Dutch translation. The High Commissioner was of Dutch origin.

The meaning and importance of M. van Heuven Goedhart's endorsement of the Kahn-Sayers book are made clear by the fact that it was required reading for U.S. prisoners of war being brainwashed in communist camps in North Korea and China.

The following quotation from a passage regarding the Moscow trial against Pyatakov, Radek, Sokolnikov, Shestov, Muralov, and twelve other defendants, may suffice to convey the thoroughly Stalinist tendency of the Kahn-Sayers book:

> The American Ambassador to Moscow, Joseph E. Davies, (author of *Mission to Moscow*) was profoundly impressed by the trial. He attended it daily and, assisted by an interpreter, carefully followed the proceedings. A former corporation lawyer, Ambassador Davies stated that the Soviet prosecutor Vyshinsky, who was being currently described by anti-Soviet propagandists as a 'brutal inquisitor,' impressed him 'as being much like Homer Cummings, calm, dispassionate, intellectual and able and wise. He conducted the treason trial in a manner that won my respect and admiration as a lawyer.'

One of the most accurate predictions concerning the future course of Soviet foreign policy was made in a 1944 magazine article by the former American Ambassador to the Soviet Union, William C. Bullitt. Sayers and Kahn have this to say about it (p. 375):

Four years later (1944), as the Second World War was drawing to its close, Bullitt reappeared on the European continent as a 'correspondent' for *Life* magazine. From Rome he sent a sensational article to *Life*, which was published in its issue of September 4, 1944. Purporting to give the opinions of certain anonymous 'Romans,' Bullitt repeated the anti-Soviet propaganda which for 20 years had been utilized by international Fascism in its drive for world conquest. Bullitt wrote:

'The Romans expect the Soviet Union to dominate Finland, Estonia, Latvia, Lithuania, Poland, Romania, Bulgaria, Hungary and Czechoslovakia. . . . They expect that, besides Eastern Poland, the Russians will annex East Prussia, including Koenigsberg. . . .'

Bullitt asserted that the menace against which Western civilization must unite was Moscow and its 'Communist agents.'

On page 390, Kahn and Sayers write:

But the greatest of all surprises of the Second World War was Soviet Russia. Overnight, it seemed, a thick false fog was torn apart, and through it emerged the true stature and meaning of the Soviet nation, its leaders, its economy, its army, its people and, in Cordell Hull's words, 'the epic quality of their patriotic fervor.'

The first great realization which came out of the Second World War was that the Red Army under Marshal Stalin, was the most competent and powerful force on the side of world progress and democracy.

The book, so highly recommended by van Heuven Goedhart, concludes with this quotation from Colonel Robins, a U.S. representative in St. Petersburg in 1917–1918, (p. 396):

Soviet Russia exploits no colonies, seeks to exploit none. Soviet Russia operates no foreign trade cartels, seeks none to exploit. Stalin's policy has wiped out racial, religious, national and class antagonisms within the Soviet territories. This unity and harmony of the Soviet peoples point the path to international peace.

No wonder the *The Great Conspiracy Against Russia* was enthusiastically welcomed by the American Communist Party as well as by the Soviet press. On July 1, 1946, the New York *Daily Worker* wrote:

William Z. Foster, national chairman of the Communist Party, warmly endorsed the new $1.00 edition of *The Great Conspiracy Against Russia* by Albert E. Kahn and Michael Sayers, just off the press, declaring that the new

popular edition 'opens up the possibility of reaching hundreds of thousands of workers with the true facts regarding the anti-Soviet intrigue of American and British imperialism from the time of the Russian revolution until the present.'

My testimony about the U.N. High Commissioner for Refugees shook the Senate Internal Security Subcommittee to such a degree that its chairman, Senator Eastland, wrote the following letter the next day (May 19, 1956,) to the U.S. Chief Delegate to the United Nations, Ambassador Henry Cabot Lodge, Jr.:

At a hearing of the Senate Internal Security Subcommittee held on Friday, May 18, testimony was presented which aroused great concern in the mind of the then acting Chairman, Senator William E. Jenner, and in my own mind. Testimony and documentary evidence presented show that the present United Nations High Commissioner for Refugees, G. J. van Heuven Goedhart and former minister of justice and Chief Editor of *Het Parool* wrote an introduction to a book entitled *De Grote Samenzwering (The Great Conspiracy Against Russia)* by Michael Sayers and Albert E. Kahn, published by Republik der Lettern of Amsterdam, Holland.

Albert E. Kahn, co-author of this book, appeared before the Senate Internal Security Subcommittee on March 7 and 8, 1955, and invoked the Fifth Amendment on the grounds of possible self-incrimination when asked whether he was then or had ever been a member of the Communist Party. I enclose herewith Kahn's testimony. Michael Sayer's writings have appeared frequently in Communist Party literature, oftentimes in association with Albert E. Kahn.

Permit me to quote from Goedhart's introduction to this highly pro-Soviet work:

'Asked if I would like to furnish an introduction to the Dutch translation of *The Great Conspiracy Against Russia* by the two American writers Michael Sayers and Albert E. Kahn, I had to confess that I had never read the book, too, among others! I have since repaired the damage, for that is what is was, and I now emphasize when asked: This book must be widely read. And it is a pleasure for me to send it on its way through the Netherlands with a heavy, hearty recommendation from me.

'Years ago, in view of all sorts of slackness in Dutch and non-Dutch, domestic and foreign affairs, I pointed out, in a newspaper article, the need for the emergence of strong men. . . . Years later, during a lecture I pointed out the futility of refusing all collaboration with the Communists because of ideological anti-Communism. The result was that, here and there, as foreseen, I have been called a Communist.

'Likewise, the fabulous war effort of the Soviet Union to stand up against the fascist strength has not in any way put a stop, either ideologically or emotionally, but carried to a large extent by plainly materialistic motives, to an 'anti-Russianism,' which a great and admirable military leader such as Winston Churchill introduced into his anti-Soviet speech at Fulton six months ago. . . .

'Day by day millions of people are in their thought, their speech and their writing committing the crime of getting ready for World War III—against Russia—by considering it possible, probable, or even unavoidable. A crime indeed! . . .

'But what about the Russians? Aren't they hoping that some day the whole world will adhere to their Communist ideas? Haven't they for years been standing on the threshhold of an attack on the world around them daring the world to force its system upon them? Two questions—two answers. Anyone who has any belief to peddle, is doing so here, be he American or Russian, British or German. But while Hitler stole into nation after nation like a thief in the night to spread his gospel of violence, nobody can truthfully say that Russia aims at 'aggression.' Nevertheless, millions believe that she is doing just that. . . . Thirty years of more or less crusade-like anti-Soviet propaganda have thoroughly poisoned millions of minds, and for these people the Michael Sayers and Albert Kahn book can be effective medicine. With an avalanche of facts, justified in biblographical notes, the main features of the 'great conspiracy' against Russia have been revealed which began in Kerensky's days and has lasted to the present; a conspiracy plotted and schemed with a beautiful ideological feeling of coming to 'the rescue of civilization,' of 'safeguarding of Christianity,' of 'defending man against beast.' But the real motive, save for exceptions, of its most important and, to be sure, most powerful devisers was too much capitalistic fear for their pocketbooks and too much imperialistic hunger for land. . . .

'Anyone who reads the book by Sayers and Kahn—and really: it must be read—should understand why, however valid the reasons may be, the Russians, from a political viewpoint, are suspicious, and he will forget his gruesome, one-sidedness of the ignorant policy of regarding Russia as 'the danger (threat).' Nobody denies him the right of having misgivings concerning the definite objectives of the Soviet regime, a right that I, too, won't have anybody take away from me. But his understanding of Russian policy as a result of reading the Sayers and Kahn book will bring to it, even maybe to seeking a place in the ranks of those who regard a better understanding and sincere cooperation between the Russians and non-Russian world as a condition for a lasting peace. . . .

In behalf of the Senate Internal Security Subcommittee, I wish to ask you as the representative of the United States within the United Nations to determine how a man of Mr. Goedhart's outlook came to head the United Nations Organization for Refugees. We would also like to know whether the United States voted in favor of this choice.

We are particularly concerned about this question at the present time, in the light of our current investigations of pressure being exerted by Communist governments to cause re-defections among those who have sought asylum in the free world, a question in which a man with Mr. Goedhart's position and power could wield considerable weight and influence.

We look forward to a detailed analysis of the facts on this matter as far as you are in a position to present them.

Senator Jenner who presided at the hearing thought that it was outrageous and scandalous that a man who would so associate himself with Communists should have to be looked to by refugees and forced repatriates who are being subject to Soviet pressure and terror and forcibly transported behind the Iron Curtain.

Senator Eastland's letter to Ambassador Henry Cabot Lodge, Jr. was reported in the American press. The Dutch press, especially the *Telegraph, Algemeen Dagblad,* and the socialist *Het Parool,* van Heuven Goedhart's own former paper, devoted much space to my testimony before the Senate Subcommittee.

On May 23, 1956, the Subcommittee released Ambassador Lodge's answer to Senator Eastland, in which Lodge said:

This acknowledges receipt of your letter dated May 18 which was published in the newspapers of May 20.

In response to your question, the records indicate that Mr. G. J. van Heuven Goedhart was first elected to be the United Nations High Commissioner for Refugees by the General Assembly of 1950. At that time the United States supported Mr. J. Donald Kinsley.

In 1953 the mandate of the High Commissioner for Refugees was extended by the General Assembly for five years over the bitter opposition of the USSR. The Delegations of the USSR and the satellite countries strongly attacked Mr. van Heuven Goedhart personally for not taking action to repatriate the refugees and alleged that he was serving the interests of the United States and other western Governments. The United States supported the extension of the High Commissioner's mandate, and the decision to take this action was, of course, made in Washington.

At the 1953 session of the General Assembly Mr. van Heuven Goedhart was the only nominee of the Secretary General for the post of High Commissioner, and he was declared elected for the five-year term.

It may be pertinent at this point to say that Mr. van Heuven Goedhart, in his appearance at the United Nations, has frequently taken issue with positions of the Soviet Union and has been a prime target for the attacks of that

Government. Last year, when the Soviets, as part of their re-defection campaign, sought in the General Assembly to get language into the refugee resolution which, in our opinion, might have made possible the forcible repatriation of refugees, Mr. van Goedhart openly and vigorously opposed this attempt. With the support of the United States, the Soviet attempt was defeated.

I, of course, wholeheartedly disagree with the tenor of the statements attributed to Mr. van Heuven Goedhart which you quote in your letter.

Ambassador Lodge's letter to Senator Eastland, with its praise of van Heuven Goedhart's "anti-Communist" record, satisfied neither the public nor Senator Eastland. Hence the question arose: how could the U.N. High Commissioner for Refugees have changed from an ardent pro-Communist and pro-Stalinist in 1946, when he so enthusiastically endorsed a book authored by two of the best known American Communist writers, to such an ardent anti-Communist and anti-Stalinist as Lodge's letter suggested, without ever having expressed such a remarkable conversion in public? After all, van Heuven Goedhart was a writer and editor of a well-known socialist newspaper, *Het Parool.*

After the first press reports about my testimony on van Heuven Goedhart's introduction to the book by Kahn and Sayers, the American public was eager to learn his reaction to this testimony.

Van Heuven Goedhart took his time. On June 6, 1956, the *Netherlands News Bulletin,* published in The Hague, wrote:

> As regards certain reproaches made against him in the United States in connection with a preface he wrote to the book, *The Great Conspiracy Against Russia,* in 1946, Mr. van Heuven Goedhart said he thought it was one of the best he had ever written. 'I do not think there is the slightest occasion to defend myself against the nonsense uttered with regard to this preface,' he said. If some U.S. Senators thought he was a Communist then he was in the same company as Professor Oppenheimer.

This attempt to bluff himself out of his predicament outraged the American public, with the exception of the Communists, pro-Communists and fellow-travelers—and it outraged Congress even more, especially Senator Eastland, who immediately wrote again to Lodge, calling his attention to the item in the *Netherlands News Bulletin* and commenting:

> . . . In other words, as late as June 6th of this year (1956), Mr. van Heuvan Goedhart regarded the statements in his introduction to *The Great Conspiracy Against Russia* as some of the best he had ever written. And as for his views on Communists, Mr. van Heuven Goedhart considers himself in the same category as J. Robert Oppenheimer—whose security clearance was withdrawn by the Government of the United States after his intimate, extensive and dangerous connection with Communism had been established.
>
> I will appreciate being advised whether you consider this latest statement by Mr. van Heuven Goedhart affects in any way his qualifications to serve as the United Nations official in charge of its program for refugees from Communist oppression and tyranny.

On June 26, 1956, I submitted a written statement to the Senate Appropriations Committee, in which I quoted from the Eastland-Lodge correspondence and said:

> Only with Dr. van Heuven Goedhart's introduction to *The Great Conspiracy Against Russia* and his statement of June 5, 1956, in mind, can we now fathom why Dr. van Heuven Goedhart, as U.N. High Commissioner for Refugees, participated in the Soviet-sponsored repatriation of refugees from behind the Iron Curtain. In his speech before Committee Three of the Tenth General Assembly of the United Nations in New York on October 4, 1955, Dr. van Heuven Goedhart said: 'There are, as the members of this Committee know very well, three different possible solutions [of the refugee problem]. One is the decision to go back, the repatriation. Two is the resettlement in another country, and three is the integration into the economy of the country where the refugee has found asylum. The first solution—repatriation—can nearly always be easily realized.
>
> . . . Looking back for one more second upon those ten years (1945–1955), Mr. President, I would like to note that millions and millions more refugees have been repatriated in the course of those ten years than ever have been resettled or integrated.'
>
> The U.N. High Commissioner for Refugees, Dr. G. J. van Heuven Goedhart, is the first official who ever described 'repatriation' of refugees from Communist tyranny as a solution, even as the number one solution of the refugee problem. His reference to the 'millions and millions' of refugees who have been repatriated since 1945,' is especially repulsive since a very large fraction of those millions of refugees repatriated since 1945, were forcibly repatriated in violation of the Geneva Convention as well as of the American tradition of ready asylum for political exiles." [121]

On July 2, 1956, Senator Eastland released to the press Ambassador Lodge's answer to his letter of June 22:

> This acknowledges yours of June 22 in which you cite further statements attributed to Mr. van Heuven Goedhart and ask me for my opinion.

In reply I will say that I completely disapprove of the latest statement which your letter attributes to Dr. van Heuven Goedhart on the basis of a foreign press report and that it is certainly something which, if verified, should be taken into account by those who make the decision of his qualifications to hold office.

I should in all frankness point out that the matter of the United States endorsement of international officials such as Dr. Goedhart is one concerning which I receive formal instructions from Washington.

Although Ambassador Lodge was—constitutionally speaking—right in pointing out that approval or non-approval of van Heuven Goedhart was to be decided in Washington and not by the U.S. ambassador to the United Nations, no administrative code could have prevented him from offering his advice against Dr. Goedhart's appointment or reappointment. As a matter of record, Ambassador Lodge did not advise discontinuance of Dr. Goedhart's appointment after my testimony, and the ensuing correspondence made his record abundantly clear.

What was the State Department's reaction to the documentation I had presented to the Senate's Appropriations Committee?

On page 435 of the Hearings Report just quoted, there appears the "Memorandum From Department of State Regarding Allegations Concerning United Nations High Commissioner for Refugees."

The Department of State's memorandum misrepresented the case of van Heuven Goedhart even in the title given the memorandum. While called "Memorandum . . . Regarding Allegations Concerning . . ." my statement clearly does not contain a single "allegation" but only well documented, hard facts. The presentation of van Heuven Goedhart's introduction to the book by the two American communists praising this Stalinist work was certainly not an allegation but a fact. The correspondence between Senator Eastland and Ambassador Lodge was no allegation but a fact. And the U.N. High Commissioner's reaction of June 6, 1956 in which he said that he considered his one-hundred percent pro-Stalinist introduction as "one of the best pieces" he had ever written, was certainly no allegation but again, a cold fact.

This method of representation of the documentary evidence I had produced runs throughout the State Department's memorandum. All the State Department had to say about van Heuven Goedhart's preface to the Sayers-Kahn book were these two sentences:

> The general tenor of this introduction was that after four years of fighting with the Russians against nazism and fascism the world should put aside its hostility to the Russians and learn to live with them. This introduction contains naïve and unrealistic assumptions to which the Department does not subscribe. It should be considered, however, in the lights of events in 1946.

What were "the lights of events in 1946?"

At that time Stalin had already broken every single agreement he had solemnly signed at Yalta and Potsdam in 1945, where he had pledged to carry out "free and unfettered elections" in Poland, Hungary, Yugoslavia, Rumania, and Bulgaria and where, with equal solemnity, he promised to treat Germany and the Allies as an "economic unity." In 1946, about fifteen to twenty million Soviet citizens suffered and died in Siberian slave labor camps. That was also the year of Secretary of State Byrnes' speech at Stuttgart in which he announced the basic shift of American foreign policy from the principle of peaceful coexistence to a cold war attitude. Moreover, 1946 was just six years after Stalin had cold-bloodedly massacred fifteen thousand Polish officers at Katyn, and other places in the Soviet Union. These, then, were "the light of events in 1946!"

But more important is the fact that the High Commissioner insisted, not in 1946, but in 1956, that his Stalinist introduction was the best thing or one of the best pieces he had "ever written," which was a clear confession of his Stalinist attitude ten years after writing the preface. The Department of State simply glossed over this challenge purposely delivered to the Senate by van Heuven Goedhart.

Finally, the State Department's memorandum to the Senate Appropriations Committee dealt with an article I had written for the Catholic weekly, *The Tablet*, of Brooklyn, for June 9, 1956. It was entitled: "Is United Nations Commissioner for Refugees Pro-Red?" and dealt with van Heuven Goedhart's introduction to the Sayers-Kahn book. It was an accurately written report, repeating my sworn testimony before the Senate Internal Security Subcommittee on May 18, 1956.

The article in *The Tablet* quoted a letter that Countess Alexandra Tolstoy, President of the Tolstoy Foundation, had written to Senator William Knowland on July 5, 1955.

In the same article I also mentioned the fact that van Heuven Goedhart had invited repatriation of political refugees to communist countries by describing repatriation as the "number one solution" of the refugee problem. I referred to the authentic memorandum to the State Department by the former Yugoslav Ambassador to the United States, Constantin A. Fotich, and Michael Krek, leader of the free Slovenes in the West, which vividly documented the horrors of forcible repatriation at Yugo-

slavia's borders with Italy and Austria, unspeakable horrors which were repeated day after day under the so-called "watchful" eyes of the United Nations High Commissioner for Refugees, Dr. van Heuven Goedhart.

The State Department's trump card in its memorandum was a letter by Countess Tolstoy to Dr. van Heuven Goedhart of July 29, 1955, in which she withdrew the criticism expressed in her letter to Senator Knowland and other members of Congress. Reading this letter of withdrawal, one should not forget that the Tolstoy Foundation has always been dependent upon the financial support of the Department of State. Without it, the Foundation would long ago have been forced to close its offices in the U.S. as well as in Europe and to cease its eminently beneficial services to the refugees. It is therefore understandable that Countess Tolstoy retracted under the tender and intangible pressure of the Department in order to be able to continue services to Soviet refugees in Europe and America. Countess Alexandra Tolstoy should not be blamed for succumbing to pressure for the sake of saving hundreds of thousands of Russian lives.

The Department of State was also successful in extracting a similar statement from the Very Reverend Monsignor Aloysius J. Wycisle, an official of the National Catholic Welfare Conference.

The State Department's memorandum concludes with a quotation from a statement which Dr. van Heuven Goedhart had authorized it to use: "I do not intend to reply to any attack on my personal and political integrity made directly or indirectly by Julius Epstein." Then Dr. Goedhart refers to his "30 years record," a period which covers the year 1946 in which he wrote his praise of Stalin, stating "that the Red Army, under Marshal Stalin was the most competent and powerful force on the side of world progress and democracy." The reader may draw his own conclusions.

Among the witnesses following my testimony before the Senate Internal Security Subcommittee were three I want to mention here: Countess Alexandra Tolstoy, Alexander C. Barmine, and Rodion Berezov.

Countess Tolstoy testified on May 23, 1956. She corroborated what I had said in my testimony about the thousands of Soviet refugees in the United States who had arrived under false identities in order to escape forced repatriation to the Soviet Union under the pretext of the Yalta Agreement.

She gave a vivid description [122] of the condition of the refugees in the U.S., their problems, and their fear of being deported to the Soviet Union if they were to reveal their true identities.

The next witness was Alexander G. Barmine, a former Soviet diplomat who, after his defection to the West, held positions with the National Broadcasting Company, the United States Army, the Office of Strategic Services, the *Reader's Digest*, and with the State Department's Voice of America, where he became chief of the Russian desk in Washington.

Barmine went deeper into the history of the Soviet prisoners of war captured by the Germans than did most of the other witnesses. He said:

> "You had about four and a half million prisoners of war who were taken by the Germans during their aggression, rounded up and sent back to Germany.
>
> "This was particularly tragic, because the Soviet Government refused to acknowledge its interest in the fate of any of those prisoners. They didn't care about the fact that the Geneva convention applied to them. The result was that about three millions perished from starvation and disease in concentration camps, in the camps of prisoners of war in Germany.
>
> "What was the attitude of the Soviet Government about it? I quote you Generalissimo Stalin in his order of the day No. 260—where he said that those who were taken prisoner of war are traitors to their country.*
>
> "And Molotov in one of his statements said: 'We don't have prisoners of war; we only have deserters.'
>
> "So these people who survived knew what they could expect was Siberia. And many of them didn't want to return.
>
> "The second group were the people taken by the Germans forcibly as slave labor to Germany, against their own will. And there were hundreds of thousands of those. They were warned too, even in some cases by the Soviet repatriation officers, that if they went back then they should not expect to join their families and also that they would be sent to far parts of Russia for forced labor."

Alexander Barmine's testimony shows that the Stalinist Soviet Government considered every single Red Army officer or soldier who allowed the Nazi armies to take him prisoner of war—even in a most hopeless situation after a crushing defeat by the enemy, and even as a wounded soldier near death or unconscious—as a traitor to his country and a "deserter," as Molotov said. Such interpretation is unheard of in the military history of modern times. Since it must be assumed that it was known to the American and British governments and military authorities who had interro-

* The fact must be underscored that Stalin was not speaking of Vlasov soldiers in his order of the day No. 260, but of regular Soviet prisoners of war captured in battle by the German Wehrmacht.

gated untold thousands of Soviet prisoners of war, it becomes all the more difficult to understand that those authorities nevertheless insisted on carrying out the forced repatriation program.

The question therefore arises: Why did it never occur to the Americans, British, and French to base a clear and definite rejection of any forced repatriation upon Stalin's order of the day No. 260, published in *Pravda* and other Soviet newspapers, which represented a gross violation of international law and by which the Soviet Government had put itself outside the community of civilized nations?

The next witness before the Senate Internal Security Subcommittee, was Rodion Berezov.[123] At the end of the Berezov hearing, Committee chairman Jenner said:

> "It seems to me this situation has resulted because of the squirrel-headed attitude of our country at Yalta. And as a member of the Senate Internal Security Subcommittee and the Judiciary Committee I plan to do everything possible to expedite the passage of legislation to remedy this situation as far as that can be done by the Congress. And I intend to propose an individual bill of my own, and I will have it referred to this committee." [124]

The hearings of Rodion Berezov led to a quick adoption of the Watkins amendment to the McCarran-Walter Act of 1952.

For the purpose of this study, the Berezov case is of considerable interest. Berezov belongs ideologically and politically in the same category as Vlasov and his adherents. As a prisoner of war of the Germans, Berezov became a vigorous anti-Stalinist, exactly as Vlasov did. Berezov fought Communism not with weapons, as Vlasov and his men did, but with ideas. He wrote in a German-sponsored newspaper, printed in Smolensk. There he published his articles against Stalin and Communism. This was his explicit purpose. Doing this, he certainly gave "aid and comfort to the enemy," which was also the enemy of the United States. Nevertheless, Berezov, an ideological Vlasovite, was rehabilitated by the U.S. Congress and the U.S. Immigration and Naturalization authorities. Today, he is an American citizen. By rehabilitating Rodion Berezov, the U.S. Government, of which the Congress is of course an integral part, admitted, at least by implication, to grave "error," (which turned out to be a crime against humanity) when its military branch forcibly repatriated Russian anti-Communists to Stalin after World War II.

13 Forced Repatriation by Italy and Austria

On October 18, 1955, five months after Austria had signed the State Treaty, without the infamous Article 16, *The New York Times* carried an article by its correspondent in Geneva, Michael L. Hoffman, under the headline: "Austria Disturbs U.S. On Refugees." It was one of the first, if not the first article calling the American public's attention to the fact that liberated and independent Austria was engaging in forced repatriation of Yugoslav refugees who had escaped Tito's communist oppression. Hoffman said: "United States officials here believe that during his visit to Moscow last summer Julius Raab, Austrian Chancellor, made a secret agreement with the Soviet Government to encourage the repatriation of refugees."

While this was denied by the Austrians, and no secret agreement between the Kremlin and Chancellor Raab has as yet been proved by documentary evidence, the suspicion that such an agreement was concluded lingers on and cannot easily be dismissed.

The sudden permission given by the Austrian Government to Soviet Repatriation Commissions—in spite of the fact that the final version of the Austrian State Treaty did not contain Article 16 or any other reference to repatriation, voluntary or forced—can hardly be interpreted in any other way than that of a secret understanding, perhaps an oral one, between the Soviet and the Austrian governments. As we know, Article 16 provided for visits by Soviet repatriation commissions. Since Article 16 was abolished and never in force, why did the Austrian Government still allow Soviet Repatriation Commissions? The question is even harder to answer in view of the fact that all such "visiting rights" by Soviet Repatriation Commissions had at that time been abolished in all the refugee camps run by the International Refugee Organization (IRO) or by the United States Government.

Concluding his article, Hoffman wrote:

> The Austrian Government has stated repeatedly that it recognizes the right of political asylum. Reports reaching United States officials indicate, however, that a refugee must answer a great many questions in exactly the right

way if he is not to be rejected as a 'non-political' refugee crossing the frontier illegally because he wants a better job or for some other essentially economic reason.

These remarks refer to the "United Nations Convention Relating To The Status Of Refugees" which, for the first time, established the differentiation between "political" and "economic" refugees.

This Convention has its origin in the General Assembly Resolution 429 (V) of December 14, 1950, providing for a conference of plenipotentiaries which met at Geneva July 2–25, 1951. This twenty-six-nation conference, which was to consider the Draft Convention Relating To The Status Of Refugees, as well as the Draft Protocol relating to the Status of Stateless Persons, adopted the final draft of the Convention by twenty-four votes to none, with no abstentions, on July 25, 1951.*

For our purpose, the decisive article of the Convention is Article 1, (2) which defines the term "refugee:"

> For the purpose of the present Convention, the term 'refugee' shall apply to any person who:
>
> (2) As a result of events occurring before January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or owing to such fear, is unwilling to return to it.[125]

Before analyzing this important definition of the term "refugee," we must consider Articles 32 and 33 which deal directly with the problem of forced repatriation.

Article 32 reads as follows:

> 1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

* The following twenty-six States were represented at Geneva: Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Egypt, France, the Federal Republic of Germany, Greece, the Holy See, Iraq, Israel, Italy, Luxembourg, Monaco, the Netherlands, Norway, Sweden, Switzerland (also representing Liechtenstein), Turkey, the United Kingdom, the United States, Venezuela, and Yugoslavia. Represented by non-voting observers were Cuba and Iran.

> 2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority.
>
> 3. The contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

And Article 33 reads:

> 1. No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
>
> 2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.[126]

The provisions of Articles 32 and 33 prohibiting forced repatriation are impressive at first glance but lose much of their meaning by the limitation as to the beneficiaries under the definition of the term "refugee" as given in Article 1 of the Convention.

All the trouble and the untold tragedies Yugoslav anti-Communist refugees experienced in Italy and Austria, including the most brutal forced repatriation, often in chains, originated in the restrictive definition of those refugees entitled to the protection under the Convention Relating to the Status of Refugees and its abuse by the police and other authorities in Italy and Austria.

Whenever refugees were forcibly repatriated from Italy or Austria, the authorities used Article 1 (2) of the Convention as an excuse. In such cases, they always argued that the refugee in question was not a "political" but an "economic" refugee, a refugee who did not flee Yugoslavia for political reasons but only because he wanted to improve his economic position by getting a better paying job abroad. Therefore, they said, he does not fall under the solely binding definition of the term "refugee" as laid down in the Convention.

Those Italian and Austrian authorities either did not realize or did not want to realize the deep interdependence of political and economic moti-

vations in a country under Communist oppression. If a peasant is unable to deliver his quota to the state, for instance, and therefore faces punishment and flees his country, it may look to the untrained eye as an "economic" motivation, and the refugee might be classified as a "nonpolitical" refugee, not eligible for the protection of the Convention. There is no doubt that such an interpretation does unjustified harm to such a refugee because what seems to be an "economic" reason for the flight is, in fact, a "political" reason by virtue of the fact that the economic system of enforced agricultural deliveries to the government is a part of the Communist dictatorship and oppression, an eminently "political" fact.

One of the weakest points of the "Magna Carta For Refugees," as the Convention has been called, is its hardly justifiable restriction only to refugees involved in events which occurred *before* January 1, 1951. This rather absurd stipulation was one of the inheritances of the London Charter of the International Military Tribunal; in other words, the Nuremberg Law. It meant that if after January 1, 1951, a situation arose which forced thousands of people to flee a country for political reasons, they were not covered by the Convention.

The absurdity of this regulation became so obvious that it was changed by the United Nations—not, however, before January 31, 1967. On that day the Protocol Relating to the Status of Refugees was signed in New York by seventeen states which became parties to it.* However, they constituted but a minority of the fifty-three states which had signed the Convention Relating To The Status of Refugees of July 28, 1951.

On October 4, 1968, the U.S. Senate ratified the Protocol. On October 16, 1968, President Johnson signed it, thereby making it an integral part of U.S. law.

The protocol is nothing but the old Convention Relating to the Status of Refugees, wtih one important amendment. It removes the Convention's January 1, 1951, deadline. While this must be considered as an improvement, its greatest weakness, the so-called definition of the term "refugee" remains. The fact that this definition had been used by the Austrian and Italian governments to justify the forced repatriation of all those Yugoslav refugees who were declared "economic" refugees, and thus not eligible for the protection of the Convention, apparently escaped the attention of the White House, the Congress and the Department of State.

* The seventeen states were: Algeria, Argentina, Cameroon, Central Africa Republic, Denmark, Gambia, Guinea, Holy See, Iceland, Israel, Liechtenstein, Nigeria, Norway, Senegal, Sweden, Switzerland, Yugoslavia.

It is interesting to note that Laurence A. Dawson, Acting Deputy Director of the State Department's Office of Refugee and Migration Affairs, said in his testimony before the Senate Committee on Foreign Relations:

> "Both the President and Secretary Rusk have pointed out that the prohibition against the return of refugees to countries where they would face persecution is of foremost importance among the Protocol's provisions. Refugees flee from persecution and oppression.
>
> In most cases, the oppressive state exerts itself to secure the return of these nationals whose flight and refusal to return serve as first-hand testimony to the arbitrary and oppressive policies of the government of their homeland." [127]

The question arises as to why the United States Government allowed seventeen years to pass after the Convention was created before acceding to it.

How meaningless—in practical terms—the Magna Carta For Refugees was can be seen in the case of the Hungarian Freedom Fighters. The more than 200,000 [128] Hungarian refugees, of whom about 30,000 were absorbed by Austria, were rescued not by the Magna Carta For Refugees, since the event causing their flight took place after 1951, but by the bad conscience of the West and the enormous pressure exerted by world opinion.

The New York Times followed up Michael L. Hoffman's revealing article on forced repatriation of Yugoslav refugees by Austria with an editorial, "Austria and the Refugees," which referred to "disturbing reports" about repatriation by force:

> As reported to American authorities in Europe, pressure is being applied by both the Austrian Government and by Soviet 'repatriation' missions admitted to the remaining refugee camps. The Austrian Government is said to hamper relief to the refugees and bar new escapees unless they prove that they are 'political' refugees. The Soviet missions use outright intimidation.[129]

In fairness to the particular situation in which Austria found herself after the Western troops had left the country, the *Times* editorial underscored the fact that "it would be unfair to put all blame on Austria" and even blamed the United States for not having admitted enough refugees in spite of her enormous capacity. It suggested that all refugees in Austria whose status was in doubt should be taken out of the country and "trans-

ferred to some other place where they will be safe until their true status can be ascertained."

Soviet campaign for "Return to the Homeland"

A few weeks after *The New York Times* editorial, the new and significant fact became known to me that the Soviet Government had started sending re-defectors back to their old camps, especially in Germany, Austria, and Italy. Having re-defected to the Soviet Union as a result of the Soviet "Return To The Homeland" campaign, they were now trying to persuade the Soviet refugees to follow their example.

I published these facts in a letter to the editor of *The New York Herald Tribune* dated October 28, 1955:

> Forced repatriation of anti-Communist displaced persons has become a live issue in Austria. Thousands of displaced persons and refugees from the Soviet Union as well as from all other countries behind the Iron Curtain are in actual danger of being forced to go back to their former homeland, now under Communist tyranny.
>
> In addition to various press reports, printed in American newspapers, I have just learned on excellent authority that redefectors who had originally fled the Soviet orbit but went back later are now coming back to persuade the inmates of the DP-camps to follow their own example and to go back to the U.S.S.R. and the satellite countries.
>
> The so-called Soviet amnesty, granting 'full freedom and forgiveness' to all returners is being prominently displayed in all Austrian DP-camps.
>
> Most Austrian officials regard ninety percent of the new refugees from behind the Iron Curtain as "Mitesser" (freeloaders), therefore as 'economic' instead of as 'political' refugees. Since the Austrian government is only taking care of the 'political' refugees, this means that most of the refugees are in actual danger of starvation.
>
> These undeniable facts let it appear not only as possible but as very likely that the Austrian Chancellor Raab entered into some kind of oral and secret agreement with the Soviets in order to facilitate the repatriation of the anti-Communists of Soviet and satellite origin. That, of course, completely nullifies the hard-won cancellation of the infamous Article 16 of the Draft State Treaty for Austria.
>
> The United States, as a signatory power of the Austrian State Treaty, has assumed full responsibility for the faithful execution of that treaty. Our government should therefore do everything in its power to safeguard the rights of the displaced persons and refugees.
>
> The best way to do this would be the fast transfer of all DPs and refugees, now threatened anew in Austria, to western countries beyond the reach of Soviet and satellite repatriation commissars.

Four days later, on November 1, 1955, the Austrian Ambassador to Washington, Dr. Karl Gruber, former Austrian Foreign Minister, answered my letter to the editor of *The New York Herald Tribune* with his own letter:

> The intimation of one of your recent letter writers that the Austrian authorities are putting refugees on Austrian territory in danger of starvation is not based on any factual evidence whatsoever. Equally, the accusation that the Austrian government had entered into any secret agreement in regard to compulsory repatriation of refugees is lacking even the slightest trace of factual backing and therefore is not only utterly unfounded but defamatory as well.
>
> Repeatedly, competent Austrian authorities have stated that Austria will adhere strictly to the policy of granting asylum to political refugees and that Austria will honor all obligations which it has undertaken by joining the Refugee Convention of the United Nations.
>
> Even though the end of the occupation has brought about a considerable increase in the number of refugees entering Austria, the Austrian authorities have not deviated from these principles. As far as visits made to refugee camps in Austria by the Repatriation Commission from the respective countries of origin are concerned, Austrian authorities have made no change in the policy established and hitherto applied by the occupying powers.
>
> As to the implication that Austrian authorities are attempting to rid themselves of refugees for economic considerations, I feel it must be said that since 1945, even in the face of grave economic difficulties, Austria has been ready to accept each and every displaced person or refugee. She has granted asylum to hundreds of thousands of them and has done everything within her power to make available to them means of livelihood and maintenance, regardless of where these persons came from. At today's valuation Austria during the last decade has provided 3 billion schillings in aid to refugees—a sum which in relation to the financial ability of Austria has scarcely been matched for this purpose by any other country.
>
> Since the end of the war, approximately 1,500,000 displaced persons and refugees have entered Austria. The number of persons of these categories still remaining in Austria today is 500,000, of which number, however, about 300,000 have been granted Austrian citizenship up to this time. When one considers that Austria's total population is 7,000,000, it should be granted that Austria has made an exemplary contribution to the solution of the refugee problem in Europe.
>
> In view of these achievements you might understand that these kinds of reproaches, which apparently are unfounded, create some ill feeling in my country and can hardly serve to foster the understanding between my country and yours which is really needed for the permanent solution of this difficult problem.

Dr. Gruber's letter was an official denial of all the allegations made, not only by me, but by *The New York Times* and many other Americans newspapers as well. However, in denying the forced repatriation charge, he used the well-known excuse that Austria would adhere strictly to the policy of granting asylum to "political" refugees, disregarding the fact that the misclassification of political refugees as "economic" refugees was the main source of the evil. If the Austrian Government classified ninety out of a hundred refugees as "economic" and sent them back by force, and admitted the remaining ten, it still was not "strictly adhering to the policy of granting asylum to political refugees." Such "explanation" could not eradicate the fact that—even under the bad Convention—Austria was obliged to grant a period of "reasonable time" to all refugees to be repatriated in order to enable them to find another country of asylum, a provision Austria seldom, if ever, adhered to.

I therefore felt obliged to answer Dr. Gruber in another letter to *The New York Herald Tribune* dated November 5, 1955:

> 1. The idea that the Austrian Government might have entered into a secret understanding with the Soviets concerning the repatriation of refugees, did not spring from my imagination. It was first mentioned in a Geneva dispatch by Michael L. Hoffman to *The New York Times* of October 18, from which I quote:
>
> 'United States officials are disturbed by reports they have been receiving about the treatment of political refugees in Austria from Iron Curtain countries and Yugoslavia.
>
> 'These reports, which have been sent to the State Department, indicate that since the end of the Allied occupation of Austria the Vienna government has put increasing pressure on refugees to return to the countries from which they escaped. A growing number of cases of actual forced repatriation is mentioned in these reports.
>
> 'United States officials here believe that during his visit to Moscow last summer, Julius Raab, Austrian Chancellor, made a secret agreement with the Soviet government to encourage the repatriation of refugees.'
>
> 2. Dr Karl Gruber admits the fact that 'Repatriation Commissions' are freely visiting Austrian refugee and displaced persons camps.
>
> Why does the Austrian government permit these visits?
>
> Since Article 16 of the Draft State Treaty for Austria which provided for the permission to Repatriation Commissions 'to visit freely such camps' has been stricken and has, therefore, no binding force, it is hard to understand why the Austrian government now voluntarily agrees to the carrying out of one of the most infamous provisions of the Draft State Treaty. There can be no doubt that Austria has every right to stop these visits of Repatriation Commissions. It should immediately do so.
>
> In spite of all these obvious and deplorable facts, I did not want to criticize the Austrian government alone. I recognize the difficult position in which Austria finds itself since it has been denuded of the protecting Western occupation and has, therefore, to face alone the tremendous Soviet pressure and that of Communist infiltration.
>
> It is our responsibility to do far more than we have done so far. According to reliable reports, only 200 refugees are now being taken out of Austria every month with the help of the United States government. That is simply not enough.

Ambassador Gruber was not easily silenced. He answered my letter of November 5, 1955, in *The New York Herald Tribune*'s issue of November 16:

> In the Nov. 1 issue of *The New York Herald Tribune* you published the Austrian stand on the recent accusations in the matter of refugee policy. It may be stated that officials of the United States Department of State, who were approached about Mr. Hoffman's statement, denied that American authorities are disturbed about Austria's handling of refugees.
>
> As to visits of persons from refugees' countries of origin in the Austrian camps I would like you to note that these are not concentration camps. Anybody is free to visit persons inside these camps. For the last ten years, ever since they were set up by Allied occupation authorities, these camps were operated on the same principle and nothing whatsoever was changed in this policy since the withdrawal of occupation troops. Besides, the refugees are protected against any kind of pressure by our authorities, since Austria has long ago joined the Refugee Convention of the U.N.

Dr. Gruber did not identify the "officials" in the State Department who told him or his representatives that no officials had been disturbed by reports about forced repatriation by Austrian border authorities.

By implication, Ambassador Gruber accused *The New York Times* correspondent in Geneva, Michael L. Hoffman, as well as the author of the *Times* editorial of October 19, 1955, of having printed untrue reports or fabrications.

Besides the dispatches in *The New York Times* and many other American newspapers, voices of protest were uttered in the European press, especially in Austrian newspapers, where many eyewitness reports appeared on the atrocities daily occurring at the Yugoslav-Austrian-Italian borders.

According to Dr. Gruber, all those witnesses, reporters, and writers were misrepresenting the truth, and the only ones who spoke in truth were himself and an anonymous spokesman of the Department of State in Washington. Nobody in his right mind can accept such an assertion. It is to be hoped that one day even the archives of the Austrian Foreign Ministry will be opened (as well as those of the State Department) and the grim reality of the Austrian Operation Keelhaul will be revealed by official state documents. Until that day, we have to rely on the many first-hand reports already printed in the American and European press.

Dr. Gruber says: "Anybody is free to visit persons inside these camps." This statement is misleading. If, as quoted, "anybody can visit these camps," why did the Soviet Government find it necessary to insist on a special clause in Article 16 of the Draft State Treaty for Austria "guaranteeing" their repatriation missions the contractual right to visit the camps? And why did the Soviets ultimately renounce this right to visit the Austrian refugee camps when they renounced Article 16? And why did the administration of the IRO and of the U.S. camps ultimately forbid visits by Soviet repatriation missions?

Dr. Gruber must have known that even if anybody were to visit the camps, such visits had to be based upon the consent of the inmates. Since only Soviet citizens absolutely unwilling to be repatriated were in these camps, it is quite clear that not a single one wanted to be visited by members of Soviet repatriation missions. Therefore, the Austrian government had obviously to use pressure to "convince" the refugees to accept the Soviet visitors.

Fortunately, I soon had the opportunity to refute Ambassador Gruber's undocumented denials. The occasion presented itself when he wrote another letter, this time to the editor of *The New York Times* of November 7, 1955:

> . . . The allegation which you report that since the withdrawal of the occupation forces the Austrian Government has been exerting increasing pressure on refugees to go back to their homeland, is just as unfounded as is the suspicion that the Austrian Government has entered into any secret agreements with other powers concerning the compulsory repatriation of refugees.

This was all that the Austrian Ambassador had to say in reply to Michael L. Hoffman's report as well as to the *Times* editorial of October 19, 1955. This letter to *The New York Times* gave me the welcome opportunity to answer Dr. Gruber in *The New York Times* of November 24, 1955:

> The Austrian Ambassador's letter in the *Times* of November 7 cannot dispel serious doubts about the safety of certain groups of new refugees in Austria, doubts first raised in Michael L. Hoffman's Geneva dispatch to the *Times* of October 18. In this article Mr. Hoffman referred to disturbing reports received by United States officials, mentioning even cases of 'actual forced repatriation.' It must be assumed that these reports are not completely untrue.
>
> Although I have not seen the official reports which induced Mr. Hoffman to cable his dispatch I have corroborative evidence from various reliable sources which clearly indicate that newly arrived refugees in Austria, especially those from Yugoslavia, are daily threatened with forcible repatriation to their Communist homeland.
>
> One of the best and probably most reliable sources for this deplorable fact is the Austrian press, which describes in great detail how 'a terrible game' repeats itself almost every day at the Austrian-Yugoslav border. The 'game' is the handing over of refugees who arrive in a gray Volkswagen-bus and are quickly dragged from the car onto Yugoslav soil.
>
> As the *Kurier* points out, the Austrian authorities have followed the letter of the Geneva Refugee Convention: Those who claim to be political refugees have to prove it. All not recognized as political refugees are just added to the list of those who are doomed to be returned by way of the Volkswagen-bus. But this they are not told until it is too late.
>
> One of those reports appeared under the dateline 'Graz, Sept. 28,' in the *Vienna Kurier* of September 29, a newspaper which has carried repeatedly reports about forced repatriation of refugees.
>
> The *Kurier* also refers in its article to a most recent mass escape from a refugee camp, which started immediately after the refugees in the camp had learned that a certain number of the camp inmates were slated to be forcibly returned.

To this, Ambassador Gruber had nothing to say. He was never heard again on the subject of Austrian mistreatment of refugees, especially those from Yugoslavia.

As an aftermath of this battle of the letters to the editor, there appeared in *The New York Herald Tribune* of December 4, 1955, another letter dealing with the Austrian treatment of Yugoslav refugees which fully upheld my point of view. The author was James J. Norris, the European Director of the Catholic Relief Services, National Catholic Welfare Conference, New York. Father Norris stated categorically that the Austrian Ambassador's assertion that his Government was adhering to the U.N. Convention on Refugees was not borne out by facts:

> . . . The fact is that in practice the Convention is not being adhered to. . . . The Austrian Government refuses to permit the U.N. High Commissioner to participate in the screening of refugees who flee into Austria. Such screening is given to local police authorities with the inevitable result that expulsions take place almost daily.

Father Norris, spokesman of the most powerful and by far best informed American organization dealing with refugees, then demolishes the myth on which the Convention's classification of refugees into the two categories of "political" and "economic" refugees is based. He says that "there is a tendency to classify refugees from Communist-controlled areas as 'economic.' Persons who are fleeing from a Communist-controlled area because of the loss of everything they own as a result of the economic policies of a Communist regime should not in any sense be classified as economic refugees or illegal border-crossers."

The Austrian Ambassador did not answer Father Norris' letter. He maintained conspicuous silence.

A few days later, *The New York Times* of December 7, 1955, published another voice condemning Austria for its inhumane treatment of Yugoslav refugees. Its author was the late Arthur Bliss Lane, former U.S. Ambassador to Poland and Chairman of the American Committee For The Investigation of the Katyn Massacre, Inc.

Ambassador Lane raised the question "whether the United States can morally acquiesce in the forcible repatriation of persons, no matter from or to what country." He also condemned the ridiculous classification of political refugees as "economic" ones. He called it a "false thesis" and concluded: "Of course, whether they are economic or political refugees will mean the same to them once they arrive in Tito's Yugoslavia."

For decades, the forced repatriation of Yugoslav refugees has been taking place continuously. My own files are bulging with reports on forced repatriation of Yugoslavs from Austria and Italy. Lack of space forbids me to deal with all or even a majority of them. Only a few more instances may be mentioned.

Skipping back over several years of these reports, let us look at 1960. The *Catholic News* of New York dated August 27, 1960, under the headline, "U.S. Attitude Toward Yugoslav Refugees Deplored," reported a speech by Monsignor (now Bishop) Edward E. Swanstrom, Executive Director of the Catholic Relief Services, National Catholic Welfare Conference, at a convention of refugee organizations at Salzburg, Austria.

Msgr. Swanstrom declared that the U.S. Government "treats the Yugoslavs who fled their country, as 'second class' refugees from Communism." Such treatment "not only deprives them of assistance equal to that given escapees from other communist countries, but also results in the involuntary repatriation of many of them."

The underlying reason for this continued discrimination against Yugoslav anti-Communist refugees was, of course, the fact that the U.S. has sent a large amount of foreign aid to Tito, money as well as industrial machines and other commodities. This assistance, running into billions of dollars, was based upon the opinion that Tito's brand of Communism has to be sharply distinguished from that of other Communist dictatorships. It has been considered good policy to support Tito, hoping this might lead to his further alienation from the Kremlin. The American Government seems to think that Yugoslav people have less reason to flee the country than people from the USSR and the satellite nations. The result of such thinking is American unwillingness to protect Yugoslav refugees threatened by Austria and Italy with forcible repatriation.

Msgr. Swanstrom went to the core of the issue—as far as Austria was concerned—when he asserted that "because the United States Government refuses to consider the Yugoslav refugees on a par with refugees from Soviet satellite areas, countries of asylum such as Austria and Italy are called upon to bear the brunt of the problem."

To understand the position in which American policy put the refugees from Yugoslavia as well as their first countries of asylum, Austria and Italy, one should know that the refugee program of the United States is administered through the Office of Refugee and Migration Affairs of the State Department. Through this office, the Department of State provides emergency aid, relief, welfare, local integration expenses and resettlement costs for refugees from Soviet satellite countries. However, in sharp contrast to this official State Department policy, refugees from Yugoslavia are eligible for only a part of these services. Expenditures on their behalf are strictly limited by a ceiling which certainly does not apply to refugees from other countries.

This policy, plus the restriction of American visas for Yugoslav refugees, forms the basis for the Austrian and Italian policy concerning refugees from Yugoslavia. This does not condone the violation of the letter and spirit of the U.N. Charter For Refugees, nor the violation of humanitarian principles, but it does indicate the necessity for a change of American policy concerning Yugoslavia and official American recognition of the undisputed fact that, as Msgr. Swanstrom had pointed out at Salz-

burg, "the basic philosophy of an atheistic, communist state is the same whether it is the communism of Khrushchev, Mao Tse-tung or Tito."

The Fotitch-Krek Memorandum

As for the forced repatriation of Yugoslav refugees by Italy, the memorandum submitted March 20, 1956, to the Department of State by the former Yugoslav Ambassador in Washington, Constantin A. Fotitch, and Michael Krek, the leader of the free Slovenes in the U.S., is a basic document.

This memorandum contains detailed proof of the brutalities of Italian police forces while engaged in the illegal act of forcibly repatriating refugees to Yugoslavia, right under the eyes of the United Nations High Commissioner For Refugees.

I published this, until then, secret memorandum in *The Tablet* of April 28, 1956.

The Fotitch-Krek Memorandum has never been repudiated by the Department of State. It is based upon a most careful study and innumerable interviews on the spot in Italy as well as in Yugoslavia.

According to the Memorandum, forced repatriation of anti-Communist refugees from Italy to Yugoslavia had been going on every day since October 5, 1954, the day the London Agreement on Trieste was signed.

At that time, all Yugoslav refugees in Italian displaced persons camps under the supervision of the U.N. High Commissioner For Refugees were informed that they would have to leave Italy or face forcible repatriation. Anti-Communist Yugoslavs who had been living as long as ten years in Italy were suddenly repatriated to Communist Yugoslavia. The same fate befell the vast majority of all new refugees, who arrived in Italy at the risk of death.

According to the report by Fotitch and Krek, all Yugoslav refugees were questioned by a commission which functioned under the authority of the United Nations High Commissioner For Refugees, Dr. G. J. van Heuven Goedhart. The chairman of this commission at the time Fotitch and Krek prepared their memorandum was Dr. Schlater, a Swiss cititzen. The other members of the commission were Italians, officials of the Italian police in Trieste and Udine. Among them were Dr. Portada, Dr. Giannini, and Dr. Morelli. The activities of the commission were strictly secret.

The Fotitch-Krek Report states that in 1955, seventy-five percent of all the anti-Communist refugees from Yugoslavia were forcibly returned from Italy. Many of them were repatriated the very same day they arrived in Italy, a fact which proved that not even nominal respect was paid to the

provisions of the United Nations Convention Relating to the Status of Refugees, the so-called Magna Carta For Refugees!

As Fotitch and Krek pointed out, the victims of such harsh treatment did not receive any information about the decision of the commission. They learned the truth only when they were faced with the Yugoslav border police, after their forced repatriation. As Fotitch and Krek suspected, this astonishing haste could not be divorced from the fact that Dr. Giannini was a close friend of the Yugoslav Vice-Consul at Trieste.

The crime against humanity presented in the Fotitch-Krek Memorandum was a repetition of the crimes committed by the U.S., British, and French authorities from 1944 to 1947 in Germany, England, France, Italy, and the United States. Moreover, it took place after the successful struggle in the United Nations for the principle of strictly voluntary repatriation of Chinese and North Korean prisoners of war.

The record shows no protest from any power, including the United States, which had signed the United Nations Convention Relating To The Status of Refugees, the Magna Carta For Refugees!

Only the Vatican's *Osservatore Romano* protested, although Pope Pius XII did not officially do so himself.

The only official reaction to my publication of the memorandum by Fotitch and Krek, whose accuracy could not be doubted, were—so far as I could ascertain—letters from the Department of State and from the Italian Embassy in Washington to Miss Anita Ferrari, of Glendale, N.Y.

Miss Ferrari, shocked by the disclosures of the Fotitch-Krek report in *The Tablet*, had written to the Italian Embassy as well as to the Department of State. She received answers from both.

The press counselor of the Italian Embassy, Gabriele Paresce, said:

> ". . . the information which you refer to in your letter of May 24 is not accurate. All the political refugees from Yugoslavia have been granted asylum in Italy.
>
> The decisions of the Italian Authorities in this matter are always taken with the collaboration of the High Commissioner for Refugees of the United Nations. The same High Commissioner has recently reported that the attitude and action of the Italian Frontier Authorities in this regard conforms strictly to the Geneva Convention for Refugees." [130]

Paresce is using the well-known escape clause of the United Nations Convention Relating to the Status of Refugees, which says that only "political" refugees qualify for the right of asylum.

Although most of the repatriations at the Italian-Yugoslav border cer-

tainly concerned "political" refugees who had had enough of Communist oppression, the fact must be stressed that neither these misclassified refugees nor the few correctly classified as "economic" refugees were granted the benefit of the U.N. Convention For Refugees, which provides expressly for all refugees to be repatriated by due process of law, including a grace period in order to enable them to find another country of asylum. Therefore, the summary repatriation of many thousands of Yugoslav refugees by Italy and Austria constitutes a multitude of violations of the U.N. Charter for Refugees, violations against which the U.N. High Commissioner for Refugees never protested.

More satisfying was the answer Miss Ferrari received from the Department of State's John P. Meagher, Chief of the Public Services Division: [131]

> . . . The Department of State has recently received a number of reports which relate to the forcible return to Yugoslavia of refugees from that country who have attempted to escape to Italy.
>
> Our representatives in the area have informed us that Italian border control officials have returned to Yugoslavia a number of people seeking to escape from that country, although their reports do not bear out certain newspaper accounts which claim extreme brutality by these authorities.
>
> Italian officials have stated that in no case was a genuine political refugee returned and that the persons sent back were found to have been seeking to leave Yugoslavia for economic or other non-political reasons.
>
> It is admittedly difficult to separate political from economic motivations when screening refugees from a country like Yugoslavia in which economic and political problems, as they affect individuals, are closely related.
>
> It should be borne in mind, however, that such criteria have some merit since some escapees have undoubtedly left Yugoslavia in anticipation of finding more satisfactory economic conditions in Italy rather than because they were being subjected to unusual pressure inside Yugoslavia.
>
> The question of what persons will be admitted to Italian territory is one wholly within the competence of the Italian Government. At the same time, because we strongly support the principle of political asylum, we have been gratified to note certain indications that the Italian Government has recently been giving renewed consideration to the adequacy of its policy in this respect.
>
> It is also possible that the more liberal issuance of passports and exit permits to Yugoslav citizens by the Yugoslav Government for travel abroad on personal business will gradually reduce the number of people who find it necessary to attempt to cross the frontier without authorization.

This remarkable document, coming from the Department of State, raises the following questions:

First, while the Department admits that it had received "a number of reports" in respect to forced repatriation from Italy to Yugoslavia, it also states that the reports from its own representatives in the area "do not bear out certain newspaper accounts which claim extreme brutality by these authorities."

Thus, one asks, did the Department's representatives in Trieste and elsewhere accompany the Yugoslav refugees back to the Yugoslav border when they were forcibly returned? Had those State Department's representatives in Italy been present in the camps and police jails when the refugees were forced into buses and other vehicles, more often than not in chains, as described in so many newspaper articles? If the State Department's representatives were not present, how did they know that no "extreme brutality" was used in this Italian Operation Keelhaul? Some of the most shocking reports came from the most reliable source possible: Members of the Italian frontier police itself, who took part in the brutal extradition of the Yugoslav refugees and who, as Catholics, felt obliged to report the atrocities to the clergymen and to the Vatican newspaper *Osservatore Romano*. It is hard to believe that the Department of State would not have known these easily ascertainable facts.

Second, the State Department uses the same pseudo-justification of forced repatriation as Paresce used in his answer to Miss Ferrari: a reference to information received from the accused Italian authorities according to which not a single "genuine political refugee" had ever been turned back. In no U.S. court would such assertion of an accused party be considered as satisfactory evidence of innocence.

While the State Department adheres to the same old excuse that only "economic refugees" have been returned by Italian border authorities, it could not help recognize that "it is admittedly difficult to separate political from economic motivations when screening refugees from a country like Yugoslavia in which economic and political problems, as they affect individuals, are closely related."

If so, why did the Department of State not say so earlier and why did it not fight the source of this difficulty, the provision in the U.N. Convention Relating to the Status of Refugees?

However, in the very next paragraph, the State Department is already diluting its own suspicions against the enforcibility of the provisions by asserting that "it should be borne in mind . . . that such criteria have some merits since some escapees have undoubtedly left Yugoslavia in anticipation of finding more satisfactory economic conditions in Italy

rather than because they were being subjected to unusual pressure inside Yugoslavia."

This means the U.S. Department of State considers that a potential refugee from any country behind the Iron Curtain cannot expect asylum in the West if he has not already been subjected to "unusual pressure" within his homeland. He has no right, according to this interpretation, to escape in order to *avoid* such unusual pressure in his Communist homeland.

According to this theory, many non-German Jewish refugees from Hitler-Germany in the years 1933–1938 could not have claimed asylum in the West because they could have pursued their business in the early years of the Third Reich in Nazi Germany even more successfully under Hitler than before, since German Jewish competitors had been forced out of business. The same goes for many purely Aryan Germans who chose to emigrate.

They were rightfully accepted throughout Europe as "political" refugees. According to the U.N. Convention for Refugees, they should have been rejected as "non-eligible" for protection under the right of asylum.

Obviously, John Meagher, the author of the State Department's official letter to Miss Ferrari, was not aware of the implications of his answer.

The paragraph in his letter in which he says that "the question of what persons will be admitted to Italian territory is one wholly within the competence of the Italian Government" is indefensible.

This contention cannot be upheld in view of Article 35 of the Convention Relating To The Status Of Refugees which provides that "the contracting States undertake to cooperate with the Office of the United Nations High Commissioner for Refugees . . . in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention."

In view of this unequivocal language of the Convention, it is hard to understand how the State Department's representative could assert that it is "wholly within the competence of the Italian Government" to decide "what persons will be admitted to Italian territory." In fact, by extraditing Yugoslav refugees without due process of law and without granting them a "reasonable" grace period, the Italian Government was violating not only the U.N. Convention, but also its own Constitution.

According to international custom, all signatory powers to an international convention have the right—if not the moral duty—to protest to the violating state as well as to the sponsoring agency (in this case, the United Nations), if one or another signatory power violates the letter

and/or the spirit of the Convention. The fact that not a single signatory power to the Convention For Refugees lodged any protest against its abuse by Italy and Austria is not to their credit.

This fact is especially deplorable since Article 38 of the Convention provides that: "Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means shall be referred to the International Court of Justice at the request of anyone of the parties to the dispute."

This provision would have given the United States the right, as a first step, to protest to the Austrian and Yugoslav Governments against the mistreatment of Yugoslav refugees and their unwarranted forced repatriation. If such protests had not succeeded, as could be expected, the U.S. Government could have taken the case into the International Court of Justice.

But neither the U.S. nor any other member state made the many violations of the Convention subject to a "dispute" which ultimately could have been brought before the International Court of Justice.

The Zellerbach Report

In June 1958, the so-called "Zellerbach Report" appeared in New York. It was the work of a private group of prominent American citizens, the Zellerbach Commission on the European Refugee Situation, founded in October, 1957, under the auspices of the Department of State, at a time when the Italian-Austrian Operation Keelhaul was at its peak.

Established on the initiative of the International Rescue Committee of New York, the Commission consisted at that time of the following members: The Hon. Angier Biddle Duke, President, International Rescue Committee; The Hon. Eugenie Anderson, former U.S. Ambassador to Denmark; Irving Brown, European Representative, AFL-CIO; David Levy, member, New York State Youth Commission; Eugene Lyons, senior editor, the *Reader's Digest*; and The Very Rev. James A. Pike, Dean, Cathedral of St. John the Divine.

The foreword to the Zellerbach Report enumerates the specific considerations from which the decision to set up the Commission sprang as follows:

1. The unprecedented response of the free world to the Hungarian refugee emergency had, ironically, accentuated the misery of the 170,000 Iron Curtain refugees who had accumulated in Western Europe since the end of the war and were still waiting for an opportunity to rebuild their lives.

2. On the other hand, the success in resettling almost 170,000 Hungarian refugees in less than one year had established a pattern of emergency action, which, with suitable modification, might provide a solution for the residual problem of the anti-communist refugees in Europe.

3. The American people have always responded generously to situations such as this when the facts have been squarely presented. The apparent public indifference to the problem is due to a simple lack of knowledge.[132]

The Zellerbach Commission arrived in Europe on October 15, 1957, and returned to New York on November 1, 1957. Although the Commission toured Europe for only two weeks, gathering material and interviewing people, its achievements were considerable. The group visited Switzerland, Italy, Austria, France, Germany and Yugoslavia.

For the purpose of this study, I shall concentrate on those parts of the Commission's report that deal with the problem of forced repatriation, especially the forced repatriation of Yugoslav refugees by Italian and Austrian authorities.

In Chapter 3, "Résumé of Findings and Recommendations," the Commission states the following under the subheading, "The New Yugoslav Refugees:"

> Since the beginning of the year (1957) some 20,000 to 25,000 Yugoslav refugees have escaped into Austria and Italy. The rate of escape into Austria has been as high as 2,200 per month and that into Italy as high as 1,600.
>
> There has been a tendency in the West to regard these escapees as 'economic' rather than 'political refugees.' The Commission believes that this definition is meaningless and that the Yugoslav refugees, like the refugees from other communist-dominated countries, escape for a complex of political, economic and personal motivations. The Commission urges that they be accorded the same consideration and treatment as escapees of other nationalities. . . .
>
> The Commission was disturbed by the fact that, both in Italy and Austria, escapees under the age of 18, with very rare exceptions, were being repatriated. . . . It recommends that the most serious consideration be given to a solution resembling that applied in the case of the Hungarian minors.[133]

Chapter 4 of the Zellerbach Report deals, as titled, exclusively with the new "Influx of Yugoslav Refugees." For here again, the Commission states that the "economic migrants" definition is totally meaningless.

The Zellerbach Commission deserves high praise for its condemnation of forced repatriation of Yugoslav refugees by Italy and Austria. So far as I could ascertain, the publication of the Zellerbach Report did not result in any denial by Austrian or Italian foreign ministers, nor did the Department of State deny its findings.

While destroying the fictitious supposition of the "economic refugee" theory, the Zellerbach Report makes some observations worth quoting:

> There are certain facts about the present exodus from Yugoslavia which are difficult to reconcile with the 'economic emigrant' thesis. Such migrations traditionally have involved adults of mature age and family groups primarily. The migrants have left their countries in the expectation that when they arrived in the country to which they were moving there was prospect of immediate employment. And they have taken with them in small trunks and suitcases their few worldly possessions—and worldly possessions can be far more precious to the poor than to the rich.
>
> None of these criteria is met by the Yugoslav refugees of today. In the first place, they are all extremely young; 80 percent of them are under 25, and perhaps the largest single group are the 18–21-year-olds. They are not delinquents, but for the most part workers and students. Indeed, their general intelligence and the wholesomeness of their appearance stamp them as belonging to the elite of the Yugoslav youth.
>
> They have fled despite the knowledge that no jobs were waiting for them in Austria and Italy; that they stood at least a small chance of imprisonment if caught by the frontier police; and they would have to wait for six months at the least and more probably a year or more before moving to another country. They have left with only shirts on their backs, because an escapee, unlike a migrant, cannot take a suitcase with him. In many cases they have risked their lives to escape by stealing small boats to cross the Adriatic or by swimming across the bay at Trieste. At the best, the act of escape was a physical ordeal. The Yugoslav refugees who have entered Austria have had to make their way through a difficult mountain frontier. In some areas the frontier can be crossed within two days of hard trekking. But there are other parts of the frontier where the escapees have had to spend ten or twelve days moving over mountains that range up to 10,000 feet. That they were able to make this journey, in many cases bringing small children with them, is a tribute to their physical vigor and strength of character—but more than this, it supports the belief that they were impelled by motivations somewhat stronger than simple economic discontent.
>
> The 'economic migrant' thesis is also difficult to reconcile with the tremendous increase in the rate of escape which has been apparent over the past several years. There is no difference worth talking about between the economic circumstances in Yugoslavia of today and those of 1955 and 1956, but the contrast in the rate of escape is startling. [According to the report, there were 1,492 escapees in 1955; 5,337 in 1956, and 12,919 (until November 10) in 1957.]

The refugees interviewed in Italy, Germany, and Austria all complained bitterly about economic conditions; they complained with no less fervor of the suppression of freedom and persecution of religion. . . .

Finally, it is impossible not to see the political parallel between this nonviolent but nonetheless dramatic revolt of Yugoslav youth and the revolt of the youth in East Germany, Hungary, Poland and even the Soviet Union. [The parallel today extends also to Czechoslovakia.]

There was no uniformly accepted theory as to why so many Yugoslavs were able to escape. One of the obvious reasons, however, is that Tito could not possibly erect an Iron Curtain with electrified barbed wire and watch-towers along his frontiers without forfeiting all possibility of economic aid from the West. In the absence of an Iron Curtain, escape automatically becomes easier. In addition, the theory was advanced that the lower cadres of the Yugoslav police force were even more demoralized than the general population, and that they were inclined to either turn their backs on escapees or else let them pass in return for fairly nominal bribes.[134]

After many interviews with Yugoslav refugees in various camps as well as with Italian authorities, the Zellerbach Commission reported that "approximately 35–40 percent were not granted asylum." The Commission was unable to establish precise figures of those "who are actually returned" but made only an estimate that "half of those not accorded eligibility" were sent back.

The business of returning refugees appears to be governed only in part by set rules. Criminals and Communist agents are, for understandable reasons, automatically repatriated, but these account for only a small percentage of the total. [The Report does not specify the means by which the Italian authorities recognize the infiltrated Communist agents.]

With rare exceptions Yugoslav escapees under the age of 18 are also turned back. Having deducted these categories, however, there still remains a substantial percentage of 'non-eligibles' whose fate apparently is not decided by clearly defined criteria.

As for Austria, the report of the Zellerbach Commission had this to say:

The prevailing theory in Austria (although the opinion in government circles is far from unanimous) is that most of the Yugoslavs are economic rather than political refugees. According to informed estimates, approximately 35 percent of Yugoslav refugees who have entered Austria this year have not been granted status by the Austrian authorities. Of the 65 percent who are recognized, only a few hundred have been granted 'A' certificates, which specifically acknowledge their refugee status and accord them the right to work. Most of the others have received 'B' certificates which avoid specific mention of refugee status and state merely that the holder has been granted asylum by the Austrian government. The holder of the 'B' certificate may not take work. He may, however, apply for travel documents under the Geneva Convention ('Convention Relating to the Status of Refugees')—after obtaining which he may take work and enjoy much of the same status as the 'A' certificate holders. The complications and delay are rather disconcerting to the refugees. The 'C' certificates, which are tantamount to non-recognition, do not grant asylum but simply give the bearer the right to remain in Austria for a period of six months pending emigration. At the end of that time, the certificate is generally renewable. However, if a 'C' certificate holder wishes to obtain Geneva Convention travel documents, he must apply for reclassification.[135]

It is regrettable that the Zellerbach Commission did not deal with the atrocious events which occurred at the Austrian border with Yugoslavia in the process of the deportation of the "35 percent of Yugoslav refugees who . . . have not been granted status by the Austrian authorities."

Nevertheless, the Zellerbach Commission, whose work would not have been possible without the approval of the Department of State, did an extraordinary job, producing the first American semiofficial document admitting the practice of forced repatriation in postwar Europe and strongly criticizing this practice and the "theory" underlying it, the nonsensical differentiation between "economic" and "political" refugees. The American people should therefore be grateful to the members of the Zellerbach Commission, especially to Eugene Lyons, who obviously did the lion's part of the work so far as writing the final report was concerned.

One year after the Zellerbach report appeared, in July, 1959, The International Committee for the World Refugees met in Geneva. Sixty-nine voluntary agencies were represented, among them the most powerful American voluntary agency dealing with refugee problems, the National Catholic Welfare Conference. Its representative, Jean Chenard, at that time Deputy European Director, dealt with the much abused classification distinguishing between "economic" rather than "political" refugees, especially in the case of the Yugoslav refugees. He said:

". . . many refugees, dazed and tongue-tied, could tell nothing to help an investigating committee to apply to their case the all-important definition of the Geneva Convention. So they are sent back, labeled 'economic refugees,'

still inarticulate and, without doubt, angry and impatient with the so-called free world. Disillusioned with their treatment they may, if not of strong character, decide to give up the struggle and go along with the Communists." [136]

Concluding his speech, Chenard declared:

"Let us and let the countries who respect the dignity of the individual join with those lands now bearing the burden of the refugee invasion in accepting responsibility for the Yugoslav refugees, so that no harrassed country or inter-governmental organization will be forced, or let itself be forced, to hide behind a phrase in a convention that was intended to uphold freedom and not stand in its way."

These were indeed wonderful words which perfectly fitted the situation and corresponded with the findings of the Zellerbach Commission as expressed in its report. But, alas, the forced repatriation of refugees, especially Yugoslavs, continued.

In October, 1962, Bishop Edward E. Swanstrom, Executive Director of the Catholic Relief Services of the National Catholic Welfare Conference, together with William J. van den Heuvel, President of the International Rescue Committee of New York, sent a memorandum to Secretary of State Dean Rusk, as well as to Attorney General Robert F. Kennedy and all the members of the appropriations committees of both Houses of Congress.

The essential paragraphs of this memorandum read as follows:

The ambivalent attitude of the West toward Communist Yugoslavia has resulted in an ambivalent attitude toward Yugoslav refugees. . . . When we challenge the refugees' motivations, we appear unable to grasp why people would be fleeing and we seem to be turning our backs on them. When we acquiesce in the forcible return of escapees, we contribute to the feeling of hopelessness and thereby weaken the democratic cause within Yugoslavia and without. . . . Even those few Yugoslavs who are granted asylum are frequently put in a lower category than refugees from other Communist countries by the United States Escapee Program. Thus Yugoslavs either do not qualify as refugees or they are treated as second-class refugees.

The ban on freedom of religion and other basic human rights in Yugoslavia hardly differs even in degrees from that practiced in the USSR.

Yet the subtle campaign of the Yugoslav authorities to popularize the term 'economic' refugees has been more than successful.

It has carried over into the language of the United Nations High Commissioner for Refugees and that of certain officials of the United States government.

It has influenced the policies of countries which formerly granted asylum to these refugees to the point where substantial numbers of them are now repatriated instead of welcomed.

Bishop Swanstrom's and van den Heuvel's memorandum then enumerates the obvious results of Tito's campaign in favor of forced repatriation of refugees, results comparable only with Stalin's successful campaign for the forcible repatriation of anti-Stalinist prisoners of war and civilians.

The memorandum states that the Yugoslav campaign has

. . . resulted in drastic reduction in United States aid to refugees from Yugoslavia; resulted in resentment by true democratic people from Yugoslavia who see United States aid helping to build a strong Communist state, but refusing to help those anti-Communist elements that escape its suppression; caused confusion among the Americans because policy makers fail to understand that the basic philosophy of the Communist state is the same, whether that of the Soviet Union, China or Yugoslavia.

The memorandum concludes:

American policy today leaves refugees bewildered by its policy of being selective about the kind of Communism and oppression from which a person must flee in order to benefit from the help of the American people.

At a time when we are granting asylum to thousands of refugees from Castro's Communism, which, supported by Soviet Communism, is threatening the Western hemisphere, should the United States not take a forthright stand and give full recognition to the refugees fleeing Yugoslavia, which is today linked again with the Soviet in its conspiracy to have Communism dominate the world.[137]

The Testimony of Joseph V. Bosiljevic

That the policy of forced repatriation of Yugoslav refugees is by no means a dead issue can be seen in the testimony of Joseph V. Bosiljevic, President of the American Society for Croatian Migration, before the House of Representatives, Subcommittee Nr. 1 of the Committee on the Judiciary.[138]

This testimony, was also published in the Congressional Record of August 21, 1964, as inserted by Congressman Michael A. Feighan of Ohio, Chairman of Subcommittee Nr. 1 .

Bosiljevic, testifying on August 20, 1964, appealed to the Congress "for assistance in putting a stop to the procedures governing the reception of these refugees (Yugoslav refugees who arrived in Italy and Austria), procedures which make a sham of the vaunted claim of the free world that asylum is given those who escape the tyranny of communism. . . . There are practically no refugees from the large Communist countries in Europe. On the other hand, there have been in the last six or seven years, more new refugees from Communist Yugoslavia than from all the rest of the European Communist countries combined."

Mr. Bosiljevic told the U.S. Congress that "years ago extradition constituted about ten percent of all new refugees, but this percentage has been substantially increased every year. In the last two years, the Italian and Austrian Governments have extradited seventy-five to eighty-five percent of all new refugees seeking asylum in their territory."

Bosiljevic also revealed to Congress that the "European governments, together with the United Nations High Commissioner for Refugees, have been keeping the extradition of refugees a well-kept secret from the free world."

Bosiljevic calls attention to the interesting fact that the Tito Government—exactly as the Soviet Government did—uses the shameful fact of forced repatriation of Yugoslavs from Italy and Austria for propaganda purposes. Time and again, the Yugoslav press ran editorials which proclaimed: "You cannot expect anything from the West if you flee your own country. It is much better for you to stay and work with us Communists at home." Summarizing this chapter, Bosiljevic says: "About 10,000 new refugees flee, from Yugoslavia only, to the West each year, and the majority is extradited at once."

Bosiljevic confirms in his tesimtony before Congress what Fotitch and Krek had written in their Memorandum to the Department of State. For he clarifies the influence which U.S. immigrant policy exercises on the policy carried out by European Governments, especially by the Italian and Austrian Governments.

Those European Governments have long since ceased to decide the question of the acceptability of refugees on its merits, but instead uses as a guidance the U.S. Immigration law and its interpretation by U.S. authorities. Thus they are constantly flouting the U.N. Convention for Refugees as well as their own theoretically proclaimed right of asylum. If a refugee has no chance to be accepted by the United States, he has, ipso facto, lost the right of asylum in the eyes of the Italian and Austrian border authorities. His fate is usually sealed. It is U.S. Public Law 648

which provides admission for "political refugees," excluding any other category of refugees; yet its rules of implementation practically exclude—among other things—married refugees who arrive without their families in the first country bordering their homeland.

It cannot be denied that this situation has been repeatedly used by Italy and Austria as a kind of extenuating circumstance in respect to their own harsh policy of forced repatriation.

However horrible, in a humanitarian sense, the Italian and Austrian practice of forcible repatriation of Yugoslav refugees may be and however much it violates the spirit and the letter of the U.N. Convention Relating to the Status of Refugees, let alone humanitarian principles as such, there is no hope that it will be completely abandoned as long as the U.S. is not ready to amend its own public law 648 and its rules of implementation of that Act.

Tito's propaganda machine has been trying for years to convince the West that there is today no punishment for extradited refugees. This is a lie, a fraud for which, unfortunately, the free world has been falling for far too long. The very fact of escape from Tito's dictatorship and tyranny is a *political* crime, punishable according to the provisions of the Yugoslav penal code. Therefore, the incredible situation develops in the West whereby refugees rightfully or wrongfully classified as "economic" refugees and forcibly extradited to Yugoslavia are immediately prosecuted as "political" criminals and punished as such. But if they escape from prison or flee to Italy or Austria after having served many years in prison, they run the risk of again being classified as "economic" refugees and again forcibly extradited. (According to Bosiljevic, "Some men who have served up to ten or more years in Yugoslav Communist prisons, sentenced for political crimes, have been unable to secure a status as political refugees.")

As it transpires in the West, the forcibly repatriated refugees are beaten and tortured—mentally and physically—before being sentenced to jail in order to extract information about their exact flight route and about those Yugoslavs who may have helped them to escape. This treatment is supposed to prevent the refugee from trying it again and to "teach a lesson" to other would-be refugees.

Bosiljevic further calls attention to the fact that the Yugoslav Government does not use barbed wires, either plain or electrified; nor even walls, in order to prevent Yugoslavs from escaping the country as, for instance, does the Ulbricht regime in the Soviet occupied zone of East

Germany. Tito employs more subtle methods in order to prevent escape but insure return.

According to Bosiljevic:

> The Yugoslav Government has decided to abandon most of these measures (barbed wires and walls, etc.) and has introduced a new system—to buy refugees from the Western neighboring countries through mutual agreements in trade, through concessions, or through political pressure. Such agreements are always secret, but because the Iron Curtain is not leakproof, some examples will be mentioned here for the first time.
>
> 1. In the Italian-Yugoslav agreement about fishing in the Adriatic (1958–59), a provision was included for the Italian Government—
>
> (a) To prevent any political activity by the Yugoslav refugees in Italy.
>
> (b) Determined also was the percentage of all new refugees to be extradited forcibly into Yugoslavia.
>
> It was motivated by the necessity to discourage and minimize the influx of new refugees.
>
> 2. In a contract between Yugoslavia and the Italian company ENI—the mightiest industrial concern with Italian federal funds—about drilling oil wells, and about chemical installations, there were also additional provisions (never made public), according to which:
>
> (a) the entire Italian press controlled by ENI, [Ento Nazionale Idrocarburi], including the leading Italian newspaper *Il Giorno*, will take a friendly attitude toward Yugoslavia and print articles about the political and economic situation in Yugoslavia as normal in order to influence the Italian Government and the public to come to the conclusion that there is no necessity for anybody to flee Yugoslavia [moral boycott of refugees].
>
> (b) to put pressure on the Italian Government to prevent any political activity among the refugees in Italian camps and to dissolve all refugee organizations and to prevent any representatives of national organizations to enter the camps.
>
> (c) to increase substantially the requirements for recognition of political refugee status and to enlarge the percentage of refugees to be forcibly repatriated.

Such treaties and agreements as described by Bosiljevic in his testimony before Congress constitute a gross violation of the U.N. Convention Relating To the Status of Refugees, to which both Yugoslavia and Italy are signatory powers. They also violate the moral code of the civilized world, which looks with horror and disdain at forced repatriation, of Yugoslav and other refugees, often carried out in chains and handcuffs.

The United Nations High Commissioner For Refugees as well as the

Geneva Committee of the International Red Cross should immediately start an investigation of Bosiljevic's disclosure, especially of the Italian-Yugoslav Treaty concerning fishery rights of 1958–1959 and the Yugoslav-ENI Treaty. Such investigation should include a close perusal of the treaty texts as well as the appearance before public hearings of the officials on both sides who had anything to do with negotiating those treaties and agreements, secretly arrived at.

Bosiljevic also mentions certain "rumors" according to which some officials handling the refugees "on local, national and international level" received money and gifts from the Yugoslav Communist Government. While this has not yet been proven, Bosiljevic reports as an established fact that Communist officials "talk about their success in getting almost all new refugees if they want them." As compensation for such services, the officials in question receive timber and furniture exported by Yugoslavia.

Bosiljevic maintained in his sworn testimony before Congress that the "percentage of refugees granted political asylum is mysteriously determined in advance." At the time of Bosiljevic's testimony in 1964, it amounted to only five to fifteen percent of the refugees fleeing Yugoslavia. This fact alone makes the U.N. Charter For Refugees a dead letter. It is again an indelible blot on the West's honor, as was the forced repatriation of Soviet prisoners of war, including the Vlasov soldiers and the Cossacks; indeed, more so, because it happened not during the period when Stalin still was our "gallant ally," but almost a quarter of a century after the end of hostilities in World War II.

How much the Italian refugee practice has been biased in favor of repatriation can be seen by the fact—as reported by Bosiljevic—that no refugee priests are allowed in Italian refugee camps. Only those Yugoslav priests who are in possession of valid Yugoslav passports are allowed to visit, which means only those priests who are on very good terms with the Yugoslav Government. Every single Yugoslav priest residing it Italy and in possession of a valid Yugoslav passport is necessarily a pro-Communist collaborator. The Yugoslav Government, according to Bosiljevic, is even trying to persuade the Italian Government and Church authorities "to place the religious service in the refugee camps and the humanitarian activities for refugees exclusively in the hands of priests to be sent by the very regime they fled! The Communists propose to send the Franciscan monks from Bosnia, who collaborate with the Communists and are members of the Communist-dominated 'Professional Union of Priests.'"

Bosiljevic's testimony before Congress has never been challenged,

to the best of my knowledge, since it was given in 1964. There was, so far as I am aware, no answer from the Italian, Austrian, or Yugoslav Governments. Nor was there any traceable reaction from our own Department of State.

As I have already pointed out, the Italian and Austrian policy of forced repatriation is partly based upon the U.S. policy toward Tito's Yugoslavia which, in turn, is based upon the fallacious idea that Yugoslavia is somehow neither Communist nor totalitarian.

Why, then, do up to 25,000 Yugoslavs flee the country in a single year? When the same number fled the Soviet occupied zone of Germany, nobody in the State Department suggested that East Germany under Ulbricht was neither Communist nor totalitarian.

Today, no country behind the Iron Curtain produces as many refugees from Communism as Tito's Yugoslavia. (Of course, there would be many more from Germany's occupied zone if Ulbricht had not sealed it off by the wall and barbed wire.) In November, 1966, the U.S. press reported that six Yugoslavs were jailed because they had collaborated with the Yugoslav author Mihajlo Mihajlov on a projected non-Communist literary journal. Mihajlov himself had served a full year's sentence for "slandering" Tito. It was the second time that he had been sentenced to a long prison term.

The Mikulik Case

On October 14, 1964, the British News Agency Reuters released a report from Vienna which appeared the next day in many U.S. newspapers. It stated that Austria "repatriated 50 percent or more of the refugees arriving here from Hungary, Czechoslovakia and Yugoslavia." Reuters also mentioned the fact that refugees, especially from Yugoslavia, who arrived in Austria and who had crossed the border legally with a valid passport, are almost never granted asylum. The rather naive notion underlying this policy is that everybody who received a passport issued by the Yugoslav, or any other Communist-controlled government, cannot be a "political" refugee but must be on good terms with the government of his home country. Nothing could be farther from the truth. Many enemies of the Communist regimes have been waiting for the proper opportunity to emigrate and have, therefore, remained silent. Among them are government officials, teachers, scholars, students, writers, and artists. To conclude that issuance of a passport necessarily deprives them of the characteristics of a "political" refugee, evinces a total lack of elementary political discernment.

The Reuters report of October 14, 1964, showed that the Austrian Government even went so far as to repatriate refugees when they were about to emigrate to another country willing to accept them. As an example, Reuters described the case of a Czech couple, Josef and Eva Mikulik, who had already obtained an American affidavit and had two airplane tickets booked for them. "In spite of the affidavit the couple was handed over to the Czechoslovak authorities last May," the Reuters report stated. It also referred to many articles in the Austrian press, rebuking the practice of forced repatriation and accusing the Government of being more interested in tourism than in humanity. At the time (1964), Reuters assumed that during the previous year about four thousand Yugoslav refugees had crossed into Austria "illegally," which was a misrepresentation, because a political refugee who crosses the border is, according to international law, not entering the country of potential asylum "illegally." He is *legally* seeking freedom from fear and oppression, he has a *right* to asylum, and is not depending upon the tender graces of an Austrian Government or of any other.

Since Reuters had revealed the forced repatriation of the Mikuliks, a revelation which resulted in an outcry in the Austrian as well as in the foreign press, the Austrian Government had to do some explaining.

In its issue of October 26, 1964, *The Christian Science Monitor*, under the by-line of its Viennese correspondent, Eric Bourne, carried a report of a press conference held by the Austrian Government under the direction of the newly appointed Minister of the Interior, Hans Czettel. According to Bourne, "the embarrassment of officials under questioning indicated at least [that] a painful blunder was made."

The Mikulik case was one of the typical passport cases mentioned before. In January, 1964, Josef and Eva Mikulik had arrived from Slovakia. They had received their passports as tourists who intended to attend the Winter Olympiad. Shortly after their arrival in Vienna, they asked permission to stay.

While their request for admission to the United States was being processed, the Mikuliks were lodged at a refugee camp at Traiskirchen near Vienna. They remained in Austria for four months. Then the strange and unexplainable thing happened: On May 12, 1964, officials of the Austrian Refugee Fund in Vienna informed the camp authorities at Traiskirchen by letter that the Mikuliks had been cleared for immediate travel to the United States "within the next few weeks."

But, according to Eric Bourne: "On May 28, however, they were abruptly and unceremoniously roused from their beds and conducted

against their protest to the border, where they were handed over to the Czech border guard."

Although the Austrian Government tried to "explain" the repatriation by more or less denying the existence of the letter from the Refugee Fund, the government, under "close questioning" at the press conference, had to admit "that a letter had in fact been received." The denial and later admission under pressure from the correspondents makes the case even worse; it excludes the probability of a pure "blunder" and makes it more likely that the forcible repatriation of the Mikuliks was a premeditated violation of the law, even if the highest level of government officialdom was not aware of it. The "denial" of the existence of the letter then appears as a simple attempt to cover up the crime, an attempt which completely crumbled under the relentless pressure from Austrian and foreign correspondents at the press conference.

Austrian Interior Minister Czettel and his aides were not even ashamed during the conference to suggest a "reason" for the forced repatriation of the Mikuliks—that "they had no visas stamped in their passports." The reporters asked the logical question as to why the officials had not waited a little longer, or why no effort had been made to get the authentic information from the U.S. Embassy in Vienna. The Austrian Government, according to *The Christian Science Monitor*, never did explain why.

The second "reason" given by the Austrian Government, that the Mikuliks did not qualify under the Geneva Convention for Refugees, is untenable, as I have amply demonstrated. Bad as it is, the U.N. Convention provides for "due process of law" and for a "reasonable time" to look for another country. The Mikuliks had neither "due process of law," nor contact with the Viennese representative of the U.N. High Commissioner for Refugees; and they had already made good use of the time spent in Austria by obtaining an affidavit through the intervention of the American Fund For Czechoslovak Refugees, which virtually assured them of a U.S. visa. On May 28, 1964, the day the Mikuliks were arrested by the Austrian police, they had already been scheduled to appear before the American Consul in Vienna to receive their visas.

The Austrian assertion that the Mikuliks did not qualify under the Convention because "they could not prove that they had been persecuted on political, religious or racial grounds" is hardly worth refuting again. If this "non-persecution" should ever be a valid reason for the denial not only of the right of asylum but even for the denial of permission to leave the first country of asylum for another which had already assured that

right, escape from Communist tyranny would be impossible because the majority of such refugees deliberately keep silent, often for years, until the exactly right moment to escape arrives.

The Mikulik case, a violation of international as well as Austrian law, remains one of the most shocking incidents in Austria's postwar history.

14 Forced Repatriation in Asia

Hong Kong and Macao

The practice of forced repatriation is not confined to Europe. It can be observed in Asia as well. At about the time of the Mikulik case, alarming news of forced repatriation came from Hong Kong. The British Crown Colony and Portuguese Macao are the main terminals for Chinese refugees to the free world. For a rather long time, the figures for Chinese refugees arriving in the two colonies were relatively low. According to *The New York Times*, the number of refugees entering the island of Macao exceeded three hundred in April and four hundred in May 1965.[139] The same *Times* article reports that for the previous year the number of refugees arriving in Hong Kong averaged about a hundred each month, and similarly low figures were reported for Macao.

While this influx is practically negligible and probably due to improved food rations in Mao's China, the number of refugees reaching Hong Kong and Macao in 1962 was far greater. *The New York Times* article quoted above says: ". . . 80,000 people flooded into Hong Kong in one month and 60,000 more were turned back by the colony's police."

"Refugees who have found their way to metropolitan Hong Kong may register with the authorities (a considerable percentage prefer not to at all) and receive identity cards without fear of being returned to China. Refugees caught in the process of escaping from China are sent back across the border. Three large groups of refugees have been apprehended on junks or shortly after having landed on Hong Kong's Lamma island within the last few weeks. All were sent back to China." [140]

The Times report has never been challenged by the British or any other authority. There can be no doubt that forced repatriation is going on, not only in Europe, at the borders of Yugoslavia, but also in Asia. Thus, the British have been repeating elsewhere the Operation Keelhaul policy of Lienz, Austria.

It may be true, as some reports have it, that Hong Kong was ill-prepared to handle the flood of refugees in 1962. But as far as the record shows, Governor Robert Black never pressed the possibility of unloading the

majority of Chinese refugees on General Chiang Kai-shek's Taiwan. The General would have lost face not only in free Asia and Europe, but also behind the bamboo curtain had he denied right of asylum to Chinese refugees.

In order to confirm my assumption about Chiang Kai-shek's readiness to admit anti-Communist refugees from the mainland, I asked the General in a cable of May 17, 1962, whether he would be willing to receive the refugees:

AS A JOURNALIST AND AN OLD FRIEND AND COLLABORATOR OF THE LATE ALFRED KOHLBERG, I TAKE THE LIBERTY TO ASK WHETHER YOU WOULD WELCOME TRANSFER OF ANTI-COMMUNIST REFUGEES FROM THE MAINLAND ARRIVING IN HONG KONG TO TAIWAN TO COUNTERACT SHAMEFUL FORCED REPATRIATION BY BRITISH AUTHORITIES STOP HOW MANY COULD TAIWAN ABSORB ? PLEASE CABLE ANSWER

On June 7, 1962, I received the Generalissimo's answer:

REPLYING YOUR MESSAGE TO PRESIDENT CHIANG COLON GOVERNMENT OF REPUBLIC OF CHINA OUT OF HUMANITARIAN CONSIDERATIONS IS READY TO ACCEPT ANY NUMBER OF MAINLAND REFUGEES RECENTLY FLEEING TO HONGKONG WHO WISH TO COME TO TAIWAN AND TO RESETTLE THEM HERE DESPITE ALL DIFFICULTIES STOP CHINESE GOVERNMENT AND PEOPLE MOVED BY A SENSE OF DUTY AND BROTHERLY LOVE ARE READY TO PRACTICE AUSTERITY IN ORDER TO HELP THESE REFUGEES AFTER THEY GET HERE STOP JAMES SHEN DIRECTOR GOVERNMENT INFORMATION OFFICE

This message left no reasonable doubt in my mind that Chiang was ready, willing and able to receive "any number" of Chinese refugees from the mainland, men, women, and children, including the old and the sick. The British as well as the Americans must have known about the General's attitude, a fact which makes the British forced repatriation not only unnecessary but all the more unjustifiable.

The Hong Kong Operation Keelhaul aroused the West to a certain degree. An editorial, "Scandal in Hong Kong" appeared in West Germany's *Industriekurier* of Düsseldorf, from which I quote the following:

> Hong Kong, for many years a refugium for refugees from Red China, is today the scene of certain actions which should make every convinced democrat blush. First: Those refugees who have successfully escaped Mao's regime are immediately prosecuted because of 'illegal entry.' Second: After serving their terms in jail, they are forcibly repatriated to Red China. At the same time, British colonial officials are praising the splendor of Western democratic systems. . . .
>
> The excuse of the British Crown Colony that Hong Kong is 'overcrowded' is true, of course, but cheap. At a time when even refugees from the German occupied zone are being received in Poland, Hong Kong should at least approach an international organization for help. If such a step should be unsuccessful, the West may request Poland's People's Democracy to show pity with those unfortunate refugees from Red China.[141]

Forced repatriation of Chinese refugees has never completely stopped. Although reports are scanty, it must be assumed that it is still going on, at least in a small way.

In contrast to Hong Kong, the Portuguese colony of Macao on China's East coast was never mentioned in reports on forced repatriation up to the year 1963. Until then, Salazar's regime in Macao was more progressive in the application of humanitarian principles than the United Kingdom's socialist or conservative governments.

However, this is no longer true. The latest case of forced repatriation in Asia occurred in Macao. Bloody clashes had occurred in Macao between Portuguese anti-Communists and Chinese Communists. Eight persons were killed and 123 injured in the riots which broke out when several hundred Chinese Communists demonstrated, charging police brutality in the stopping of work on a school construction. The result of these clashes was a kind of ultimatum, from the Kwantung Provincial Government in Communist China, demanding, among other things, a public apology by the Macao administration for the clashes without any investigation of who was to blame for them, the Portuguese or the Chinese Communists. Also requested were compensations for Chinese Communist victims, as well as punishment of some Portuguese officials. Furthermore, the Foreign Affairs Bureau of the Kwantung Province bordering Macao demanded categorically that the Portuguese Government "prevent 'secret agents' from Taiwan operating in Macao and hand over seven captured 'Chiang Kai-shek agents,' detained by Macao authorities since 1963." [142]

The Macao administration fully accepted the Communist ultimatum and forcibly repatriated the seven "Chiang Kai-shek agents" as demanded by Red China's Communists. This atrocious repatriation of the seven did not cause a ripple in the American press.

On December 27, 1966, Portuguese Foreign Minister Alberto Franco Nogueira, in the first official statement on the Macao crisis, declared that

"Lisbon's pragmatic good neighbor policy toward Red China had not been altered despite the riots and severe demands of Chinese Communists in Macao earlier this month." [143] Mr. Noguiera added that "Nationalist China interests in Macao carried little weight when Portugal's relations with Communist China were at stake." [144]

Salazar's policy of forced repatriation to Red China goes back to September of 1963, when the Lisbon Government, in an official statement, warned that "any person found guilty of activities against continental China would be turned over to Peiping." [145]

The same *Times* story reports that Chiang Kai-shek's Government addressed two protests to Salazar after the latter had turned over the seven prisoners accused by the Communists of being Nationalist Chinese spies.

While it must be admitted that the Portuguese Government would be powerless to defend Macao against any Chinese annexation by force, it remains deplorable that Lisbon did not even try to save the seven. It goes without saying that the U.N. High Commissioner For Refugees did not even lodge a protest with the Portuguese Government against the deportation.

15 Forced Repatriation by the Federal Republic of Germany

Late in 1965, reports reached the U.S. that the Federal Republic of Germany practiced forced repatriation in order to get rid of unwanted Hungarian refugees. For the first time the Bonn Republic was among the offenders of the principle of voluntary repatriation and the granting of asylum to political exiles.

The most reliable report appeared on December 3, 1965, in the highly respected conservative Catholic weekly *Rheinischer Merkur* under the by-line of C. T. Kommer. Kommer reports that the Hungarian refugee community in the Federal Republic, consisting of about 32,000 people, half of whom came to Germany after the 1956 revolution, was deeply shocked when it learned that one Pal Feher, age twenty-five, who had reached the Federal Republic hidden under a railroad car, had been sentenced in Budapest to ten months in prison and fined five hundred *forint*, according to a report released by the Hungarian news agency MTI and published in *Hetfoi Hireck*. Pal Feher could be prosecuted only in Hungary because German authorities had forcibly repatriated him ten days after his successful flight.

Kommer states that since September 1965, seven Hungarians had been forcibly repatriated to Hungary. The author raises the question as to whether the Federal Republic of Germany embarked on the course of forcible repatriation in order to improve the climate of West German-Hungarian relations—in other words, were the Hungarian repatriates simply victims of a diplomatic deal? Commercial relations and cultural exchange with Hungary, Kommer believes, were developed at the cost of individual refugees who were forcibly deported. The author also refers to rumors of a "secret agreement" between Bonn and Budapest similar to the alleged secret agreement of 1955 between Austrian Chancellor Raab and the Kremlin. The allegation could not be proved.

Then Kommer reveals the even more important fact that in 1965 seven hundred Hungarians asked for asylum in West Germany but that only twenty-seven were granted it. As Kommer states, at least four hundred

were eligible under the U.N. Convention For Refugees. Kommer adds that this was a most surprising decision in view of the fact that although 1,200,000 so-called "guest workers" from foreign countries were already working in the Bonn Republic, seven hundred thousand industrial jobs were still to be filled.

Kommer goes on to say that "a Heilbronn lawyer had filed a denunciation for kidnaping against persons unknown." And he mentions the fact that the offices of the U.N. High Commissioner For Refugees in Geneva had sharply criticized the Bavarian Minister of the Interior concerning the practice of forced repatriation. The police procedures in the refugee camp of Zirndorf were found wanting. They did not comply with the United Nations Declaration of Human Rights which proclaims: "Each individual has the right to life, freedom and security of his person." Kommer also refers to an internal investigation on repatriation by the German Ministry of the Interior in Bonn. The abundant documentation in the Ministry's possession shows, according to his article, that the refugees applying for asylum had been arrested in their beds at night by the state police and had been isolated in the camp's prison. Only after their confinement did they learn that the state police had issued an *Aufenthaltsverbot* (prohibition of stay). Kommer writes: "The refugees looking for asylum were arrested and deported before they had any opportunity to file their claim to be recognized as refugees, eligible for asylum. Among the persons deported were many who demonstrably had been persecuted for political reasons, including those who had already served long prison terms for political offenses." [146]

As Kommer further reports in his revealing article, the new refugees were asked a few questions which they had to answer immediately. For example, had they recently been arrested or put under police observation? If the answer was a truthful "no," they had to sign a declaration, printed in German which an interpreter translated for them. The signed declaration, based upon the testimony that the refugee had not been arrested or put under police surveillance in Hungary, then served as the reason for the issuance of an order of prohibition of stay in the Federal Republic.

The "reason" behind this practice was, of course, the unrealistic idea that a refugee who had not been actually persecuted in his homeland, who had never been in prison or tortured and who had not even been arrested, cannot be a "political" refugee and is, therefore, not eligible for asylum, according to a badly written and then-misinterpreted United Nations Convention Relating To The Status Of Refugees.

How wrong such an interpretation is cannot be stated too often. Thousands of potential refugees in countries behind both the Iron Curtain and the Bamboo Curtain keep quiet and "behave" so as not to draw the attention of the Communist authorities. They are waiting; sometimes for weeks, months, or even years. Then, when the opportunity arrives, they take the great risk of escaping. They flee because they cannot stand the Communist regime any longer.

Some of these refugees are scientists, and scholars of world renown. They were treated extremely well by the Communist regimes. They had never been personally oppressed. Quite the contrary: They had *datchas*, automobiles, domestic servants, etc. They earned the highest salaries ever paid in their Communist countries. Nevertheless, they want to escape.

No sooner do such escapees arrive in the West than they are asked: "Have you ever been persecuted, jailed or tortured or placed under police surveillance?"

The truthful "no" answer to these questions renders them automatically ineligible for asylum because they are no longer considered as "political" refugees. They become "economic" refugees. The truth is, of course, that prominent scholars and scientists fleeing communism will never again enjoy the material wealth they enjoyed behind the Iron Curtain. But they are prepared to suffer great material losses and deprivations in the West to escape life in a "golden cage" there.

Under this rule, an artist like Nureyev should have been forcibly repatriated. Never oppressed in the Soviet Union, he earned the highest salary ever paid to a dancer, and was beloved and celebrated both at home and throughout the world. Many more names could be added to illustrate the point. Don't the authorities who send refugees back because they have not yet been persecuted, jailed, or tortured realize that their flight is one based upon the highest principles, principles higher than those who have fled from oppression behind the Iron Curtain? On the other hand, it surely must appear unjust to the rejected refugees that world-famous artists and scholars find immediate acceptance in the West not only for reasons of prestige but also for the fact that they will never become public welfare burdens.

Kommer points out, moreover, that the questions asked of the refugees are misleading and unclear to them. For example, the interpreter used by the German authorities at the camp of Zirndorf knew only a rudimentary kitchen-Hungarian, which led time and again to misunderstandings and wrong evaluations and judgments.

According to Kommer, the final order of deportation handed to the

refugees contains the legal advice that the refugee has the right of appeal for one month from date of issuance. Though sounding reasonable, this piece of "legal advice," as Kommer says, was never given to the deportees before they found themselves actually being forced to leave under heavy police guard, and in many cases not even until they had already boarded the plane back to Hungary.

Another important and incredible fact reported by Kommer explains how passports of those Hungarian refugees who fled to Germany are being stamped by the German authorities with a declaration that the bearer of the passport is returned under prohibition of stay in Germany. As Kommer says, this stamp is nothing but a complete justification for the bearer's conviction to a long prison term in Hungary. Thus, the German authorities become accomplices to the Hungarian Communist authorities, who immediately send the returnees to prison for many years. And all this happens under the flag of human rights and the U.N. Convention For Refugees!

Kommer concludes as follows:

> For the local authorities [in the Federal Republic of Germany] no one who arrives with passport and visa can be a 'political' refugee. 'Economic' refugees are not being granted asylum. But, should we not at least grant them the right to stay as we grant such right to other foreigners? The reasons upon which the rejection is based, may be 'logical,' following the letter of the law and strictly adhering to paragraphs, but nevertheless they are and remain to be amoral, inhuman and inacceptable. For example, religion is at present not being officially persecuted in Hungary. Whoever refers to his difficulties because of his religion, his activity in a Catholic circle, is being met by disbelief. Whoever maintains that he could certainly be imprisoned at his return hears this answer: 'You should not join in any actions of which the state disapproves. Then, you have nothing to fear.' A logic of immorality!
>
> All officials who have anything at all to do with applicants for asylum should, by necessity, be constantly informed about the penal law and practice in the countries of origin of the refugees. They also should constantly be informed about any changes of political conditions in the respective countries.

Following Kommer's piece in the *Rheinischer Merkur*, I wrote two newspaper articles, in which I quoted him, about forcible repatriation of Hungarian refugees from the Federal Republic of Germany.

As a result, I received information to the effect that other countries practiced the same policy as Kommer described. Among those who wrote me was Dr. Edmund Gasper, Secretary General of the Assembly of Captive European Nations, New York. In a letter dated January 13, 1966, he said:

> We have been, of course, very much concerned with this problem ever since we have received the first news of denials of the right of asylum to East Central European refugees. In fact, similar cases (as those reported by Kommer) have occurred also in Denmark, Sweden and Finland to refugees from Hungary, Czechoslovakia, etc.

In other words: In spite of the dreadful events and their consequences from 1944 to 1947, when millions of anti-Communist prisoners of war and displaced persons, including old and very sick men, women and very young children, were delivered by the Western allies to Stalin's doorstep; in spite of countless protests against the horrors of forced repatriation by individuals and organizations the world over; and in spite of the Korean lesson, the crime against humanity is still going on in Italy, Austria, Hong Kong, Macao, Germany, Denmark, Finland, and Sweden and, possibly, in other countries as well.

16 The Search for the Truth in the United States

The Bosch Resolution

After the end of hostilities, the American press from time to time reported disorders in different prisoner of war camps in Europe; in Plattling, for instance, and in Dachau and Rimini, where Soviet citizens preferred suicide to forced repatriation. But no outcry was heard in America against the atrocious crime. Nor was any clear voice audible in the intellectual community against the gross violation of the "spirit" of the Geneva Convention and the old American tradition of ready asylum for political exiles.

As to forced repatriation, there were, of course, a few exceptions to the silence: George Fischer in *Opposition to Stalin* and Eugene Lyons in *Our Secret Allies* devoted some space to the great tragedy and to the crime of forced repatriation. (If one of the great American foundations were to sponsor a research in depth into Allied War Crimes and Crimes Against Humanity, such an investigation would greatly help induce Congress to create a special Select House Committee to investigate Forced Repatriation, as demanded in the Bosch Resolution.)

Lyons even referred to UNRRA Order 199, which for all practical purposes permitted forced repatriation by threatening nonsupport of those displaced persons who were unwilling to be repatriated behind the Iron Curtain. But neither Lyons nor anybody else was ever able to produce the pertinent Order 199, which is still classified Top Secret and locked up in the UNRRA Archives in the U.N. Secretariat in New York.

Every attempt—including that of the Senate Internal Security Subcommittee in May 1956—to unlock the safe sheltering the Operation Keelhaul dossier has been in vain. Operation Keelhaul remains classified to this day, in spite of the fact that such classification violates Executive Order 10501, entitled "Safeguarding Official Information in the Interests of Defense of the United States," which was signed by President Eisenhower on November 5, 1953.

Executive Order 10501 specifies when a Government document shall be classified either Top Secret, Secret, or Confidential:

Top Secret. Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

As for the classification, Secret, it shall be authorized:

Only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

The use of the classification, Confidential, applies "only for defense information or material the the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation." [147]

Executive Order 10501 was amended by President Kennedy in 1961 as Executive Order 10964. It stipulates that "When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified." [148]

According to the Eisenhower Executive Order and the Kennedy Amendment, Operation Keelhaul should have been declassified long ago. How can anyone imagine that declassification of this dossier dealing with the repatriation of Soviet citizens, almost a quarter of a century ago, could result in "exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense?"

The very assumption is absurd. The continuation of such absurdity by the Pentagon represents nothing less than confirmation of a serious credibility gap, a gap going back to the Roosevelt Administration, which concealed the secret agreements made at Yalta—even denying that there were

such agreements—and which also concealed the truth about Stalin's slaughter of fifteen thousand Polish officers in 1940 at Katyn and other places.

The real reason for the continued secrecy on Operation Keelhaul would seem to be a desire to protect those who were predominantly responsible for the deed. The truth might be embarrassing to a few or even to many people. But protection against possible embarrassment is no valid reason for withholding from the American people the truth which they are entitled to know. Such "protection" is in itself a gross violation of the presidential Orders 10501 * and 10964.

One of the highest officials of the Roosevelt Administration, Secretary of War Henry L. Stimson, candidly referred in his book, *On Active Service In War And Peace*, to the violation of the principle of asylum by the U.S. ". . . the Russians indicated a keen interest in the 'repatriation' of many men in American hands who showed no desire to be handed over to Russian control, and the Americans then were faced with the unpleasant alternative of offending a great ally or abandoning the great principle of political asylum." [149]

And rather than "offend a great ally," the Soviet Union, the Roosevelt Administration chose to violate the principle of political asylum.

It is regrettable that all subsequent administrations chose to keep Operation Keelhaul Top Secret.

On April 5, 1954, when for the second time I visited the Government's Historical Records Branch in Alexandria, Virginia, I discovered the existence of the key American document on forced repatriation. I found a catalogue card, reading: "383.7–14.1—Forcible Repatriation of Displaced Citizens—Operation Keelhaul." I filled out a slip. Within a few minutes, the archivist, Sherrod East, told me that I could not have the document because it was classified. The presence of the index card in the catalogue was a fortunate blunder without which I would never have learned about the existence of the dossier. The incriminating index card was immediately removed from the catalogue accessible to the public. From that day on, I have fought for the release of Operation Keelhaul.

* President Eisenhower stated on April 27, 1955: "I think today to hold secret any document of the World War, including my own mistakes, except only when they are held there by some past agreement with a foreign nation that has not yet been abrogated, it is foolish. Everything ought to be given out that helps the public of the United States to profit from past mistakes and make decisions of the moment; that is current information." (From Bryton Barron's *Inside the State Department*, New York, 1956, p. 49.)

When I realized the difficulties of getting Operation Keelhaul declassified, I thought of a Congressional investigation by a specially created Select House Committee, similar to the Select House Committee to investigate the Katyn Massacre which I had proposed in 1951 and which did an outstanding job in the verification of Stalin's mass murder of about fifteen thousand Polish officers, more than four thousand of whom were found by the German army at Katyn near Smolensk.

I was then, as I still am today, of the opinion that such a Congressional investigation by a Select House Committee would alone be able to subpoena documents and witnesses on a national and international scale, which no private scholar or institution could afford. Such an investigation is all the more urgently needed because this U.S. policy of forced repatriation has been poisoning our spiritual relations with our anti-Communist friends behind the Iron Curtain. Millions of these people have lost their confidence in American veracity, honor, and intelligence. Those who know the truth cannot understand why the U.S. Government never did admit the crime, why it still keeps classified all documents proving this "blunder," and why it has never purged itself of this crime—a crime which is, of course, no secret in the Soviet Union, in Western Europe, or in Asia. The only people who have scarcely heard of it are the Americans. This tragic fact will continue to hurt us until the day a more farsighted Administration decides to reveal the truth.

After writing several articles for the American and European press,* I drafted a Resolution which was first dropped into the hopper by Congressman Albert H. Bosch (R., N.Y.) on February 8, 1955, (84th Congress, 1st Session) as H.R. 137. Introducing the Resolution, Congressman Bosch made the following remarks on the floor of the House:

> Mr. Speaker: Ever since the end of World War II, there have been stories, articles and reports which in effect allege that there were violations of the terms of the Yalta Agreement and other secret agreements dealing with the repatriation program instituted with respect to displaced Russian Nationals to the Russian Government. So long as this problem remains shrouded in secrecy and embarrassed silences, our American Nation will be besmirched and possibly even castigated for its part in that program.
>
> Recently there appeared in the December 14, 1954, issue of the *American Legion Magazine* an article entitled 'How We Served as Partners in a Purge' by Julius Epstein, which appears in the Appendix of the *Congressional Record* of January 10, 1955, at page A83, inserted by my colleague the Honorable Timothy P. Sheehan. This article clearly demonstrates the need for a clarification of the wherefor of such a program. Repatriation, in and of itself, is a question of deep concern and distress. It is in the interest of our Nation that we determine this issue and cleanse the National record for all times.
>
> Mr. Speaker, it is for that reason that I am today introducing a resolution for the creation of a committee of the Congress to conduct an investigation and study of the forced repatriation program carried out by our military and civilian authorities in the years 1945 to 1947. I sincerely trust that this resolution will be favorably reported and a committee appointed at the earliest possible moment in the interest of justice.[150]

* For a complete list, see the Bibliography.

The text of H.R. 137 follows:

RESOLUTION

Creating a select committee to conduct an investigation and study of the forced repatriation program carried out by our military and civilian authorities in the years 1945–1947.

Whereas the forced repatriation to Soviet-controlled countries of millions of anti-Communist prisoners of war and civilians by American military and civilian authorities in the years 1945–1947 in Germany and in other countries brought death and misery to untold thousands of these anti-Communists before Soviet firing squads, on Soviet gallows, and in the Siberian slave labor camps; and

Whereas this forced repatriation of prisoners of war and civilians cannot be justified by the agreement on prisoners of war signed at Yalta on February 11, 1945; and

Whereas this forced repatriation was in violation of the rulings in implementation of the Yalta agreement on prisoners of war, made public by the Department of State on March 8, 1946; and

Whereas the forced repatriation of prisoners of war who had enlisted in the enemy's army was in contradiction to the opinions of the Judge Advocate General of the Army, as expressed during the last forty years; and

Whereas the forced repatriation of millions of anti-Communist prisoners of war and civilians represents an indelible blot on the American tradition of ready asylum for political exiles; and

Whereas the forced repatriation and annihilation of millions of anti-Communist prisoners of war and civilians of Russian, Ukrainian, Polish, Hungarian, Baltic, and other origin is still poisoning our spiritual relations with the vigorously and anti-Communist peoples behind the Iron Curtain, and is therefore impeding our foreign policy: Therefore be it

Resolved, That there is hereby created a select committee to be composed of seven members of the House of Representatives to be appointed by the

Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed (1) to conduct a full and complete investigation and study of the facts, evidence, and extenuating circumstances of the forced repatriation program, carried out by our military and civilian authorities in Germany and other countries in the years 1945–1947, under which millions of anti-Communist prisoners of war and civilians were forcibly repatriated to Soviet controlled countries, and (2) to fix the responsibility for such program.

The committee shall report to the House (or to the Clerk of the House if the House is not in session) as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within or outside the United States, its Territories, and possessions, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

Since the Rules Committee of the 84th Congress did not report the Bosch Resolution, Congressman Bosch reintroduced it in the 85th Congress as H.R. 111 on January 17, 1957, and introduced it for the third time in the 86th Congress as H.R. 24 on January 7, 1959. And three times it was killed by the Rules Committee under the chairmanship of Virginia Democrat Howard W. Smith, who never reported it out to be debated and voted upon.

From an ethical point of view, I consider the Bosch Resolution one of the most significant ever introduced in the American Congress. With it, Congressman Bosch at least in some way redeemed the honor of the U.S. Congress by admitting that forced repatriation was an American violation of international law and a complete and unjustified abandonment of the American tradition of ready asylum for political exiles.

While the Bosch Resolution shines as a beacon in the darkness, the fact that the Rules Committee of the House, for reasons of opportunism and political expediency, three times denied the resolution the chance of being debated in public, casts a shadow upon the Congress as a moral instrument of the American people.

A conspiracy of silence accompanied the first introduction of Congressman Bosch's resolution on February 8, 1955. With the exception of the foreign language press, especially the Polish and German newspapers, the Bosch resolution was not reported to the American people. Neither *The New York Times*, *The New York Herald Tribune*, nor the wire services, AP, UP, and INS, carried a single word about H.R. 137. The same silence prevailed in the academic community. It prevails to this day.

To alleviate this silence, I wrote a letter to the editor of *The New York Herald Tribune*, which published it on March 2, 1955. Two days later, Westbrook Pegler wrote a column, carried by all Hearst papers, in which he mentioned the Bosch resolution:

> There is now before Congress a resolution authorizing investigation of one of the most frightful crimes ever committed against the rules of civilized warfare. This was the delivery to Soviet Russia of millions of Russian soldiers and civilians who so hated the Soviet horror that they joined the Germans and finally fell into American custody.
>
> These military men were prisoners of war taken by the soldier who is now our President. He owed them protection as such. It was a capital crime in each case to turn them over to Soviet Russia.
>
> Instead, however, by whose order we never have learned because the truth is concealed, the Government of the United States drove them in hordes into Russian captivity. . . .
>
> Thousands of these people, soldiers and civilians, killed themselves when they realized that we had betrayed them. . . .
>
> At that very hour in Berlin we were maintaining an armed frontier against the same Russian Communists whom these prisoners of ours were fighting when we took them into camp.

The Pegler column, appearing in the Hearst chain with more than twenty big dailies, was of course read by millions of Americans. It was the first time that President Eisenhower's name appeared in the mass media as one of the Americans involved in Operation Keelhaul. The President ignored Pegler's column. So did the Pentagon and the Department of State.

On the same day the *New York Journal-American* carried the Pegler column, it also ran an editorial by chief editorial writer, Elon F. Tompkins, under the headline: "Postwar Horror—A Secret Treaty." This was the first editorial to appear in the American press dealing with the Bosch Resolution and its significance to the American people.

The years 1954 and 1955 were probably the most active years of my journalistic endeavors to bring the problem before the American people. After the publication of my article, "How We Served as Partners in a Purge," [151] and numerous other articles and letters to the editors of *The New York Times* and *The New York Herald Tribune*, a small circle of persons in the U.S., as well as in England and on the Continent, became interested and even alarmed. But the publicity generated by all the articles dealing with forced repatriation which appeared here and abroad was still insufficient to instill a much needed desire in the American people to purge themselves of the ghastly crime of forced repatriation.

I cannot conclude these brief remarks about the search for the truth in the United States without mentioning my own legal action against the U.S. Government. This action, the first in American history for the declassification of a Top Secret government dossier, became possible after the Freedom of Information Act went into force on July 4, 1967.

The Freedom of Information Act, sponsored by Congressman John E. Moss (D., Cal.)—to whom the American people owe a debt of gratitude for his indefatigable fight to bring it into being—passed the Senate on October 13, 1965, and the House of Representatives on June 20, 1966. The bill was signed into law by President Johnson in July, 1966. To give Government agencies ample time to conform their practices to the new law, a delay of one year was provided before the Act became effective on July 4, 1967.

This Public Law provides that a citizen has the right to force the Government to prove in court, if necessary in camera, that maintenance of classification of a certain document is justified according to the Presidential Orders which, as we know, allow only one reason for classification—the serious endangerment of national defense and security. If the Government cannot prove that disclosure of the document in question would result in the consequences enumerated in Executive Order 10501, the District Court Judge must enjoin the Government to release it.

My law suit,* Epstein vs. Resor (Stanley Resor, Secretary of the Army) was filed by my lawyers on May 22, 1968. The Army countered with a motion to throw the case out of court because, as the Army lawyers pointed out, the Court had no jurisdiction in this case.

Federal Judge Oliver G. Carter of District Court, San Francisco, did not grant the Army's motion. He was not sure whether the Court had the

* For a complete presentation of my lawsuit, Epstein Versus Resor, see my article "Epstein Versus Resor on the Emasculation of the Freedom of Information Act" as it appeared in the Congressional Record of September 30, 1970, pp. E 8790–E 8794.

right to subpoena classified documents, and wanted to know the "intent of Congress" in creating the new law.

In order to clarify this, I turned to the principal author and sponsor of the Freedom of Information Act, Congressman John E. Moss. In a telephone interview on August 19, 1968, the day of the first hearing in the San Francisco District Court, Moss told me:

> If the Court wants to issue a subpoena to me, I would be inclined to honor the subpoena. I would have to go to the House and by a special resolution, the House would have to give me the permission to honor the subpoena. If the House sanctions my appearance, then I would certainly appear and make it very clear that the intent of the Act was to permit the court the broadest of latitude in reviewing the contents of any document to determine whether or not it was properly classified.

When I explained to Moss that Judge Carter tended to think that a Top Secret document was exempt from disclosure by the Freedom of Information Act, he said: "It is not exempt and that is not the way we spelled it out in the report to the Committee. One thing I fought for was the total preservation of the judicial autonomy of the court in reviewing any action of the executive."

This statement by Representative Moss does not allow any doubt about the "intent of Congress." Upon my request he sent a sworn affidavit to my lawyers, which was filed in court on August 30, 1969. It is therefore a matter of public record.

The text of Congressman Moss' affidavit follows:

> DISTRICT OF COLUMBIA SS.
>
> JOHN E. MOSS, being first duly sworn, deposes and says:
>
> That I am a United States Congressman from the State of California; that on June 9, 1955, a House Government Information Subcommittee, with myself as Chairman, was established to investigate charges that Federal agencies had withheld information from those entitled to receive it; namely the American public; it was discovered by the subcommittee that agencies, in refusing to permit public disclosure, were citing as authority 5 U.S.C. Section 301 (as codified) which provided that the head of each department was authorized to establish regulations concerning the performance of his department and the use of its records: Congress amended that statute in 1958 to make it clear that the statute could not be relied upon as legal authority for the withholding of information from the public; the agencies, however, then began relaying on the restrictive reading of Section 3 of the Administrative

Procedure Act (5 U.S.C. 552, as codified) to deny this disclosure; subsequent hearings on the availability of Government information were held by my subcommittee and by the Senate Subcommittee on Administrative Practice and Procedure; since 1957, each succeeding Congress had before it a bill to substantially revise Section 3 of the Administrative Procedure Act; after nine years of hearings and debate before the two Subcommittees, Congress passed a new Public Information Law; it was the overriding concern of Congress and adopted by the Attorney General in his Memorandum on the Public Information Section (June, 1967) that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, that individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts, and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was my intent as the principal coauthor of the legislation to grant to the appropriate District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by any agency bringing documents within an exemption found in Section '(e)' of the Act; and that the powers granted to the Court and the burdens placed upon the Government in Section '(c)' were meant to include rather than exclude the exemptions.

(signed) John E. Moss

One would think that this affidavit by the principal coauthor of the Act made clear beyond any doubt the intent of Congressman Moss and of his Subcommittee, as the creators of the Act.

But, no, Judge Carter, who even quoted Congressman Moss' opinion as expressed in the affidavit, dismissed it in his Memorandum and Order of February 19, 1969, because "statements made by a legislator after enactment of a statute and not part of the records of the legislative body are entitled to little or no weight at all." According to Judge Carter, "a legislative body can only speak through a statute, with the words that are used in the light of the circumstances surrounding its enactment. For this reason, the Court has not considered the affidavit prepared and submitted by the Honorable John E. Moss solely for purpose of this lawsuit after the legislation in question was enacted."

Had Judge Carter looked in the Congressional records themselves, he would have found the same "intent of Congress" as in the Moss affidavit. His disregard of Congressman Moss' affidavit is all the stranger since he quotes Senator Long's description of Section 3 of the Administrative Procedure Act to be amended by the Freedom of Information Act, as ". . . full of loopholes which allow agencies to deny legitimate information to the public. Innumerable times it appears that information is withheld only to cover embarrassing mistakes or irregularities. . . ." [152]

From these statements, Judge Carter concluded:

> Jurisdiction does not apply to information that falls within the exemptions set forth in subsection (b) of Section 3. To hold that the agencies have the burden of proving their action proper even in areas covered by the exemptions, would render the exemption provision meaningless. If a determination *de novo* is made by this Court on whether the Top Secret classification by the Department of the Army is proper, with the burden on the Secretary to sustain its action, the Court would be giving identical treatment to information withheld by an agency whether it fell within the exemption or not. Apparently, Congress did not intend such a result.

By this argumentation, Judge Carter declared the Freedom of Information Act a dead letter. Congress did intend to give the Court the power to find out whether a Top Secret classification under the exemption provided by law was properly or improperly used. Without this power of the Court, the Moss Act would be meaningless.

This conclusion evolves from the Report of the Committee on Government Operations, submitted on May 9, 1966 by Congressman William L. Dawson (D., Ill.), which states:

> It [the Freedom of Information Act] gives an aggrieved citizen a remedy by permitting an appeal to a U.S. district court. The court review procedure would be expected to persuade against the initial improper withholding. . . .[153]
>
> Improper denials occur again and again. For more than ten years, through the administrations of both political parties, case after case of improper withholding based upon 5 U.S.C. 1002 has been documented. The Administrative Procedure Act provides no adequate remedy to members of the public to force disclosure in such cases.[154]

The implication is, of course, that the amendment, the Freedom of Information Act is the remedy which forces the agencies either to prove the justification of classification or to release the document in question.

The Committee Report dealing with the amendment to the Administrative Procedure Act, says:

> Subsection (c) contains a specific remedy for any improper withholding of agency records by granting the U.S. district courts jurisdiction to order the production of agency records improperly withheld. If a request for information is denied by an agency subordinate the person making the request is

entitled to prompt review by the head of the agency. An aggrieved person is given the right to file an action in the district where he resides or at his principal place of business, or where the agency records are situated.

The proceedings are to be done *de novo* so that the court can consider the propriety of the withholding instead of being restricted to judicial sanctioning of agency discretion.[155]

How can the court "consider the propriety of the withholding" without examining the document in camera? It is quite clear that the Freedom of Information Act bestows this right upon the court. Without it, the Act would be meaningless. Judge Carter did exactly what the Act forbids. He restricted himself to the "sanctioning" of the Secretary of the Army's "discretion."

The Report continues: "The Court will have authority whenever he considers such action equitable and appropriate to enjoin the agency from withholding its records and to order the production of agency records improperly withheld."[156] Again, the implication is inescapable. The Court can only "order the production of agency records improperly withheld" if it has established this fact. To do so, the Court must examine the classified documents, in camera and not in public.

The Dawson report stresses that "the burden of proof is placed upon the agency which is the only party able to justify the withholding. A private citizen cannot be asked to prove that an agency has withheld information improperly because he will not know the reasons for the agency action."[157]

In spite of this representation of the "intent of Congress" when it created the Freedom of Information Act, Judge Carter concludes his summary judgment in favor of the defendants by stating that he finds "that the circumstances are appropriate for the classification made by the Department of the Army in the interest of 'the national defense or foreign policy.'"

How Judge Carter could have found classification of Operation Keelhaul "appropriate" in the interest of "national defense or foreign policy" without ever having seen the dossier, will remain a puzzle in American judicial history.

By rendering his decision with complete disregard of the true "intent of Congress" as attested to by Congressman Moss and the Dawson Report, Judge Carter has clearly flouted the law in its first test case brought before an American Court. I had, of course, no other remedy but to appeal Judge Carter's judgment. This appeal to the Ninth Circuit Court of San Francisco is now pending.

17 International Convention Against Forced Repatriation

In view of the distressing facts documented in this book, and in view of the West's paralysis in effecting something extreme to eradicate the curse of forced repatriation, which has done such great harm to its reputation as the protagonist of mankind's struggle against Communist oppression of freedom, I suggest—as I have done before—the enactment of an International Convention Against Forced Repatriation.

Such a Convention should certainly avoid all the ambiguities of the United Nations Convention Relating To The Status Of Refugees, with its impossible and dangerous distinction between "political" and "economic" refugees. It should be a simple convention whose language could be understood, for example, right down to the Austrian or Italian border police officer who arrests a frontier-crossing Yugoslav refugee at 3:00 A.M.

I have modeled the text of my Draft International Convention Against Forced Repatriation closely after the Genocide Convention of 1948, since forced repatriation of millions of people, as it was practiced after World War II, was really an act of genocide, even if not included in the Genocide Convention.

The Draft International Convention Against Forced Repatriation follows:

International Convention Against Forced Repatriation

The Contracting Parties,

Recognizing that forced repatriation of prisoners of war, of civilians who, in the course of war or peace, revolution, violent or peaceful change of governmental regimes became displaced persons and political refugees is a crime against humanity, already outlawed by international law as well as by the tradition of ready asylum for political exiles;

Being convinced that in order to free mankind from such crime against humanity, an internationally recognized codification of the crime of forced repatriation and international cooperation is required;

Hereby agree as hereinafter provided.

Article I. The contracting parties confirm that forced repatriation of prisoners of war, of civilians and of political refugees whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II. In the present Convention, forced repatriation means any of the following acts:

(a) The forcible extradition of prisoners of war to the country in which they were taken prisoners or from which they came before they were taken prisoners.

(b) The forcible extradition of civilians who in time of peace or war became displaced persons to the country of their origin or to the country from which they came before they became displaced persons.

(c) The forcible extradition of any person who fled from his country of origin or residence for a political reason to this country.

The term 'political' in the sense of this Convention shall be understood in its broadest meaning, including economic motives if the economic condition which caused the person involved to flee must be considered as an integral part of the politico-social structure of the country of departure.

Article III. The following acts shall be punishable:

(a) Forced Repatriation as defined in Article II of this Convention;

(b) Conspiracy to commit forced repatriation;

(c) Direct and public incitement to commit forced repatriation;

(d) Complicity in forced repatriation.

Article IV. Persons committing forced repatriation or any of the other acts enumerated in Article III shall be punished whether they are constitutionally responsible rulers, government officials or private individuals.

Article V. The contracting parties undertake to enact, in accordance with their respective constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of forced repatriation or any of the other acts enumerated in Article III.

Article VI. Persons charged with forced repatriation or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction.

Article VII. Forced repatriation and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition. No diplomatic, parliamentary or other immunity shall apply to the crime of forced repatriation and the other acts enumerated in Article III.

Article VIII. Disputes between the contracting parties relating to the interpretation, application or fulfillment of the present convention, including those relating to the responsibility of a state for forced repatriation or any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.*

It is my hope that this book will spark a decisive attempt to enact the International Convention Against Forced Repatriation.

* The text of this Draft International Convention Against Forced Repatriation appeared for the first time in an article in *The Tablet* of March 13, 1956, under the headline: *"Victims of Reds are sent to USSR."* This article was inserted into the Congressional Record of March 13, 1956, by Congressman Bosch of New York. The German version of the Draft Convention appeared under the headline: *"Eine 'Internationale Konvention gegen Zwangsrepatriierung'"* in the Sunday edition of the *New Yorker Staatszeitung Und Herold* of April 1, 1956. The French version of the Draft Convention appeared in an article by François de Romainville in the April, 1956, issue of the French monthly *Exil et Liberté*, Paris.

18 Conclusion

In bringing this study to a close, I want to sum up the reasons I believe that forced repatriation of prisoners of war, of displaced persons, and of political refugees, as well as of deserters from the enemy or from an allied nation, is a crime against humanity, violating international law and humanitarian principles:

1) It violates international custom as shown by the many treaties concluded with the Soviets in the 1920's.

2) It violates the traditional policy of the Department of State as expressed in the diplomatic note of February 1, 1945, by Acting Secretary of State Joseph C. Grew to Soviet Attaché Novikov, which considered forced repatriation of those Soviet prisoners of war captured in German uniforms as a violation of the Geneva Convention of 1929 and as an abandonment of the American tradition of ready asylum for political exiles.

3) It violates the legal opinion of the U.S. Government, which considered forced repatriation to be a crime against humanity when it fought against the principle of forced repatriation of Chinese and North Korean prisoners of war, an opinion expressed by Secretary of State Dean Acheson before the United Nations on October 24, 1952.

4) The U.S. Senate recognized forced repatriation as illegal when it passed the Watkins amendment to the McCarran-Walter Act on Immigration and Naturalization, an amendment which declared it illegal to deport refugees on the ground that they had entered the United States on forged identities, if these forgeries had been committed in order to escape forced repatriation based on the Yalta Agreement of February 11, 1945.

For these and for other reasons which I hope to have demonstrated, there is no doubt in my mind that forced repatriation, beginning in 1944 and still going on in Europe and Asia in 1969 and as late as 1970, is a crime, pure and simple; that its roots are in the policy of the Free World to avoid displeasing the Communists, and that this policy is indefensible both from the viewpoint of common humanity, as it is from the viewpoint of defending the vital interests of freedom-loving peoples and nations.[158]

APPENDIX 1

Letter of General A. Denikin, former Commander-in-Chief of the Imperial Russian Armies (1917–1920), of January 31, 1946, to General Eisenhower.

My dear General:

In the New York Times I read the description of the atrocities perpetrated against those unfortunate Russians kept at Dachau. They are called either 'followers of Vlasov,' 'deserters' or 'renegades,' and they prefer death to repatriation to the Soviets. Presuming that you are not fully acquainted with the true story concerning these people, I take the liberty of bringing the facts to your attention.

From the first day of their imprisonment, the Russian prisoners of war were subjected to the most unbearable conditions—unquestionably worse than prisoners of other nationalities. The Germans drove them forward on foot without any consideration for distances, without food or drink, and perchance, if one dropped behind, either from exhaustion or to quench his thirst in a dirty roadside ditch, the guards put an end to him with a bayonet or a bullet. . . . They were packed onto trains composed of plain platforms, without bread or water, without possibilities for the fulfillment of natural functions, and thus they traveled for two or three days. In these tightly packed cars, filled with human excrement, among the living were many dead. I have been told by a Frenchman, who returned from military imprisonment, whose camp was located in the vicinity of the Russian camp, that, when one of these trains arrived at its destination, the Russian prisoners of war could not move, their bodies being literally stiff. The French prisoners were then summoned by the Germans to carry off the Russians, either on their hands or on stretchers. The living were placed on the floor of the barracks, the dead were thrown into a common grave.

Life for the Russian prisoners of war was extremely difficult in the camps. The Germans treated them like cattle. Unusual hunger prevailed. Their daily allotment was from 100 to 200 grams of bread, and once a day they received a hot, dirty liquid, with a small quantity of unpeeled potatoes. Because of lack of utensils, they were forced to eat this so-called 'soup,' using their hats, or their coat tails, or merely their palms. The slightest protests provoked beatings or shootings. The helpless people took on the form of shadows, and the German guards, when gathering them for meals or for checking, egged them on with

clubs. They received no help. Their only salvation was slow death, after which their bodies were thrown as if human carrion into common graves. In the vicinity of the Russian camp, from forty to fifty thousand Russian soldiers found peace in such 'brotherly graves.'

For the prisoners of war of all other nations aid was forthcoming from their respective governments and from the Red Cross. The Russian prisoners of war, however, received no help from the Soviets, who looked upon them as 'deserters' and 'traitors.' There was no way in which this miserable people could get either material or at least moral help.

Under such conditions, when the German Command offered the Russians freedom, normal rations, and human treatment, many accepted and donned German uniforms, more so, when they were promised that the Russians would form non-combat units. Actually, the Germans were reticent to send the Russian units to the Eastern front, and they were left in the rear to be incorporated in German regiments for battles against the Russian partisans. However, when the Russians commenced deserting to the other side, the Germans transferred practically all the Russian battalions to the French and Italian fronts.

During the German occupation, I met and talked with hundreds of Russian soldiers and officers who were in the German army. Among them were people of various ages and social standing,—non partisans, members of the 'Komsomol' and Communists. I know their attitude very well. There was not a trace of Germanophilism among all of them. They hated the Germans, and after living among the French, they expressed their views in words and by mimicry so openly and widely that the French began treating them with sympathy and confidence. These people were in an impasse and sought an exit, creating the most phantastic plans for escape: fleeing over the Spanish border, or crossing the Channel of La Manche to England by boat. . . . The unanimous decision was then, when the Allies would approach, the Russians were to kill all the German officers and non-commissioned officers and join the ranks of the Anglo-American armies or the French partisan detachments. You know, General, that most of the Russian battalions acted just in this way.

When the war ended, the Soviet General Golikov, who was in charge of the repatriation of prisoners of war, issued announcements in the press promising these prisoners that everything is understood, forgiven and forgotten. Many believed, appeared at the points of assembly, and were sent to the U.S.S.R. However, through unofficial channels, news soon spread that nothing but hardships awaited those prisoners who returned, and those who wore German uniforms could expect torture and death.

Yes, this unfortunate people know what awaits them in the Soviet paradise. No wonder that upon being assembled in Dachau they sought immediate death —cutting their throats with small razor blades, suffering unimaginable agonies and tortures, setting fire to the barracks, discarding their clothing to burn quickly, baring their chests to the American bayonets and bowing their heads to American clubs—all this not to get into Soviet prisons.

I can imagine the feelings of the American officers and soldiers who participated in such executions.

General, there are the provisions and paragraphs of the 'Yalta Treaty,' but, there are also traditions of free and democratic people—'the right of asylum'—there are military ethics, which prohibit the use of violence even on the defeated enemy, and finally there exist the Christian morals which call for justice and pity.

I take the liberty to address myself to you, General, as a soldier to a soldier, with the hope that my voice will be heard.

Please accept my expressions of highest respect.

(Signed) Denikin.

APPENDIX 2

Letter dated February 18, 1946, of General Thomas I. Handy, Acting Chief of Staff to General Eisenhower, answering General A. Denikin's letter * to General Eisenhower of January 31, 1946:

The U.S. policy with regard to the USSR demands the U.S. military authorities' assistance in the repatriation of Soviet citizens who desire to be repatriated. With regard to those who do not wish to return to the Soviet Union, the policy of our Government consists in not using force in repatriating them by compulsion, with the exception of those instances where the given individual was simultaneously a citizen of the Soviet Union on Sept 1, 1939 and belonged to one of the following categories:

1. Was taken prisoner in German uniform.
2. Was a member of the Soviet armed forces on June 22nd 1941 and has not been discharged from service.
3. Was, on the basis of serious proof, a collaborator with the enemy, helping and supporting the enemy voluntarily.

Our Government policy has been established after long and careful weighing of all these factors and the Army must carry it out to the best of its ability

* The letters of Generals Denikin and Handy are in the archives of the Russian Institute, Columbia University Library, New York.

APPENDIX 3

Acheson quoted the pertaining articles from the following treaties:

1) Brest-Litovsk with Imperial Germany, signed March 3, 1918.

2) Brest-Litovsk with Austria-Hungary, signed on March 3, 1918.

3) Treaty between the R.S.F.S.R. and Denmark, signed on December 18, 1919.

4) Peace Treaty, R.S.F.S.R. with Estonia, signed at Tartu on February 20, 1920.

5) Treaty between the R.S.F.S.R. and the Uk.S.S.R. with France, signed at Copenhagen on April 20, 1920.

6) Treaty between the R.S.F.S.R. and the United Kingdom, signed at Copenhagen on February 12, 1920.

7) Treaty between the R.S.F.S.R. and Germany, signed in Berlin on April 19, 1920.

8) Treaty between the R.S.F.S.R. and Italy, signed at Copenhagen on April 27, 1920.

9) Treaty between the R.S.F.S.R. and the Uk.SSR and Austria, signed at Copenhagen of July 5, 1920.

10) Peace Treaty between the R.S.F.S.R. and Latvia, signed at Riga on August 11, 1920.

11) Agreement regarding repatriation of war prisoners between the R.S.F.S.R. and Latvia, signed at Riga on November 16, 1920.

12) Agreement regarding repatriation between the R.S.F.S.R., the Uk.S.S.R. and Poland, signed at Riga on February 24, 1921.

13) Convention regarding the Repatriation of War and Civilian Prisoners between the R.S.F.S.R. and Turkey, signed in Moscow on March 28, 1921.

14) Agreement regarding repatriation of war prisoners and interned civilians between the R.S.F.S.R. and Hungary, signed at Riga on July 28, 1921.

15) Supplementary Agreement to the agreement regarding exchange of war prisoners and repatriation of interned civilians, signed in Vienna on December 7, 1921.

APPENDIX 4

Package proposal made by U.S. Secretary of State John Foster Dulles at the Berlin Conference, on February 14, 1954:

United States Proposal on Conclusion of the Austrian State Treaty by Signature of the Treaty on February 18.

Considering that the Draft Austrian State Treaty was agreed by the deputies of the United States, United Kingdom, France, and the U.S.S.R. in 1949, with the exception of articles 16, 27, 42, 48 and 48-bis; and

Convinced that the signing of this treaty at the present Conference is essential in justice to Austria, the Four Foreign Ministers:

1. CONFIRM their acceptance, in the form agreed by their deputies, of the preamble and articles 1-7, 7-bis, 8, 10-15, 16-bis, 17-19, 21, 25, 26, 28, 30-34, 36, 39, 44, 45, 49, 50, 52, 52-bis, 53-59, annexes I, II, VIII, IX, X;

2. AGREE to accept articles 9, 16, 27, 42, 48, and 48-bis in the form proposed by the Soviet deputy in the course of negotiations and reproduced in the English version in the annex attached hereto;

3. AGREE to article 35, with the modification proposed by the Soviet delegation, to authorize payment by Austria in goods deliveries of the amount due to the Soviet Union for former German assets under article 35 of the draft state treaty;

4. AGREE to sign the treaty in the foregoing form on Thursday, February 18, at 3 P.M.;

5. DIRECT their representatives to prepare the final text of the treaty in the Russian, English, French, and German languages in time for such signature.

APPENDIX 5

Letter of Alexander Kerensky to President Eisenhower, of May 2, 1955:

Dear Mr. President:

As the last Prime Minister of a democratic Russia, I deem it my duty, to raise my voice in the defense of my compatriots, now threatened by Article 16 of the Austrian State Treaty, to be signed in the near future.

Under the provisions of Article 16, the Austrian Government is legally bound to enter into 'direct bilaterial negotiations' with the Soviet Government in regard to the 'voluntary repatriation' of Soviet nationals. Since there is not a single Displaced Person in Austria who desires to go back behind the Iron Curtain, the connotation of the planned repatriation as 'voluntary' can only be described as the uttermost hypocrisy ever written into a document to become binding international law.

Under the provisions of Article 16 'Austria further undertakes to permit accredited representatives' of the Soviet Government, 'to visit freely' all camps and displaced persons centers 'for the purpose of conferring with its nationals.' What the Treaty describes in one of its other hypocritical connotations as 'conferring' can only be a tragic repetition of that nauseating brainwashing which a horrified civilized world witnessed in Korea's neutral zone, with the only distinction to the worse, that the Austrian State Treaty does not provide for those neutral commissions which protected the prisoners of war in Korea from succumbing to Soviet coercion, torture and blackmail.

Article 16 binds the Austrian Government 'to prohibit any propaganda hostile to the interests' of the Soviet Government as well as any activities designed to induce such Displaced Persons not to return to the countries of which they are nationals.'

Under Paragraph 3/c, the Austrian Government is pledged to 'dissolve' immediately any 'committees,' 'centers' and 'other similar organizations' existing in those camps and assembly centers that may be found to be engaged in activities opposed to the interests of the Soviet Government.

Under Paragraph 5 of the Austrian State Treaty—a specific Soviet Proposal, fought against by the Western powers for almost eight years, but now accepted by the Austrian Government—Austria agreed that 'no relief shall be given by Austria to persons who refuse to return to their native countries. . . .

Mr. President, it is my sincere belief that this provision of Paragraph 5 of Article 16 of the State Treaty for Austria is without known precedent in the history of international law. I do not know of any other treaty in the long and often painful history of treaty making which ever prevented a legally constituted Government from rendering help and relief to the poor, distressed and destitute under its jurisdiction.

Should Article 16, and especially its Paragraph 5 of the Austrian State Treaty ever come into force, the Austrian Government would be bound to renounce the principles of a civilization which has been based upon almost 2,000 years of Christian heritage.

There is, however, one big ray of hope left to the more than 30,000 prospective victims of Soviet tyranny in Austria: That is the fact that Article 16 cannot come into force without American consent.

It is therefore, Mr. President, that I appeal in the name of the many thousands unknown to you and your deep sense of justice, honor and charity to prevent by your veto one of the great tragedies and one of the great international crimes, endangering now the lives of all anti-Communist Displaced Persons from behind the Iron Curtain in Austria.

With the expression of my highest esteem, I remain, Sir

Respectfully yours,
(signed) Alexander Kerensky.*

APPENDIX 6

Testimony of Rodion Berezov before the U.S. Senate Internal Security Subcommittee:

Berezov first stated that his real name was Rodion Akulshin. In 1941 he was drafted into the Red Army. He became a prisoner of war and went to a German POW camp in the vicinity of Smolensk. There, due to hunger alone, about 600 prisoners out of the 70,000 in the camp died daily. As Berezov told the Committee, there was at that camp a German-Russian who tried to make the lot of the intellectuals among the Russian prisoners easier. Berezov even received his "freedom of the camp" and went to Smolensk which was under German occupation. He became a contributor to a Russian newspaper in Smolensk which appeared during that same occupation. There, he changed his name from Akulshin to Berezov. He wrote articles about life under Stalin. When he was asked why he changed his name, he answered that he had still a family and

* A copy of Mr. Kerensky's letter to President Eisenhower is in my files. J.E.

other relatives in the Soviet Union who would have greatly suffered if the Bolshevists had ever learned that he was writing anti-Stalinist articles in a German-sponsored Russian newspaper.

When the Germans retreated, Berezov went with them. So he came to Germany. At the end of the war, in 1945, Berezov was in Salzburg. There he came to a camp for displaced persons. Berezov, through an interpreter, made the following statement:

"There were 2,500 Russians there, old émigrés and recent émigrés. All the new émigrés did not call themselves Russians. They thought up other different nationalities for themselves. Organization IRO was functioning. To help these émigrés, they proposed that they fill out papers. And then all the Russians started to think up legendary names and places where they were born. And he (Berezov) made up his own legend. On those papers he wrote that he had been born in Poland and, during the first war, he had fled to the Volga, and that in 1937 he had fled back to Poland.

"Into this camp came the Repatriation Commission of the Russians, 2 members of the NKVD, 2 Americans, and he was called before them and interrogated for 20 minutes.

"Two weeks later the Soviet Union officials called him again. And they wanted to take him back to the Soviet Union.

"The third time, only the Americans were there.

"The fourth time, when he was supposed to be called, before he could get there, he ran away from the camp.

"In November 1948, he came back to the camp.

"And in July 1949, he came to the United States. He was overjoyed to come to New York; what a wonderful place it was. He worked as an ironer and presser. And he got $32 a week, but he was very happy.

"After 3 months, he was assigned to teach Russian in the Monterey School in California. And when he came to Monterey his conscience began to bother him. He thought that America was such a fine country and it did so much for Russians in this country, that he was deceiving America.

"Three days after he got there, he decided to tell the truth there about his papers, and so on. The chief of the school there fired him.

"One of the colonels said that it was a good thing that he told the truth. His documents and all papers were handed over to the immigration officials in San Francisco.

"When he was called to the immigration office at San Francisco, one of the officials said 'of course, the truth is a good thing, and the truth is the basis of religion, and the truth is written about a lot in books and poems, but truth causes a lot of disturbance with people, and the fact that you told the truth means that you have built up a lot of difficulties for us, and we are going to have a tough time. This case is going to drag out for years,' they said.

"He answered, 'Yes, but now I have a clear conscience.'

"In May of 1951 an immigration officer came to his apartment and said, 'You

are under arrest, but if you have $1,500 you can pay it and I will leave you here.' (Obviously, the $1,500 were meant as bail.)

"Mr. Berezov said, 'No, I don't have it.' And the immigration officer said, 'Well, you will have to come with me.'

"And they took him to the immigration prison, detention house, took fingerprints and profiles of full face.* And they led him into a room and locked the door. The prison room was on the 13th floor—a beautiful view,' he was overjoyed. And he said to himself: 'Well, good, I am going to rest here.' The food was good, just like the sanatorium. But unfortunately, 2 days later his friends came to bail him out, and said, 'What is the matter, you don't look very happy.'

"He said, he was quite happy, he was awfully sorry, he just couldn't learn the way of life in prison.

"In October of 1951 his trial began. He engaged a lawyer and summoned witnesses. The judge said 'I understand that you have told a lie to save yourself, but just the same you told lies.' And they decided they were going to deport him.

"He filed a petition, appeal. The appeal was rejected. He appealed to a Princeton professor whose friend was Senator Smith. And Senator Smith proposed a bill, a special bill. The bill was not passed.

"In October of 1954 he got another paper for deportation. He said it didn't bother him too much. He said, 'For a writer, everything is interesting.'

"Nevertheless, he wrote a farewell and thanked America, even if she were deporting him, he still loved America.

"His papers came to Washington, and every month he appears at the Immigration Office. And that has been going on for 6 years. He can't even hope for citizenship during this time, of course. And his only thought is when we will hold this hearing. And he would like it to end as quickly as possible." †

* The quotes as reproduced above follow the text as printed in the Committee's report.

† *Report of the U.S. Senate Internal Subcommittee,* pp. 1349–1351.

Footnotes by Chapters

PREFACE

1 *The Department of State Bulletin,* June 1, 1947.

2 President Truman's letter was released by the White House on August 20, 1952, and published in *The Department of State Bulletin,* Vol. XXVII, No. 688, September 1, 1952, p. 328.

3 *The Department of State Bulletin,* November 10, 1952.

4 Robert J. Donovan, *Eisenhower, The Inside Story,* (New York: Harper & Brothers, 1956), p. 118.

CHAPTER 1

5 *Hearings Before The Subcommittee On State Department Organization And Foreign Operations Of The Committee On Foreign Affairs, House of Representatives, Ninety-First Congress, Second Session, December 3, 7, 8, 9, 14, 17, 18, and 29, 1970,* (Washington: U.S. Government Printing Office, 1971), pp. 32, 33. Henceforth quoted as *Hearings.*

6 *Hearings,* p. 33.

7 Ibid.

8 *Report of the Subcommittee on State Department Organization and Foreign Operation of the Committee on Foreign Affairs, House of Representatives on the Hearings Held by the Subcommittee on December 3, 7, 8, 9, 14, 17, 18, and 29, 1970;* February 4, 1971. (Washington: U.S. Government Printing Office, 1971), pp. 3, 4. Henceforth quoted as *Report.*

9 *Report,* pp. 4, 5.

10 Ibid., p. 5.

11 Ibid.

12 Ibid.

13 Ibid.

14 Ibid., pp. 5, 6.

15 Ibid., p. 6.

16 Ibid., p. 8.

17 Ibid., p. 7.

18 Ibid., pp. 7, 8.

19 *San Francisco Examiner*, December 2, 1970.

20 *Report*, p. 8.

21 *San Jose News*, May 27, 1971.

CHAPTER 2

22 Manuel R. García-Mora, *International Law and Asylum as a Human Right* (Washington: Public Affairs Press, 1956), p. 152.

CHAPTER 3

23 *Foreign Relations of the United States Diplomatic Papers, The Conferences at Malta and Yalta, 1945*. (Washington: United States Government Printing Office, 1966), pp. 985–987. Henceforth quoted as Yalta Papers.

24 *Foreign Relations of the United States, Diplomatic Papers, 1944, Volume IV, Europe*, Washington, 1966, p. 1250.

25 Ibid.

26 Ibid.

27 Ibid., p. 1253.

28 Ibid., pp. 1253, 1254.

29 Ibid., p. 1254, n.67.

30 Ibid.

31 Ibid., p. 1257.

32 Ibid., p. 1258.

33 Ibid.

34 Ibid., p. 1260.

35 Ibid.

36 Ibid.

37 Ibid., p. 1261.

38 Ibid., p. 1262.

39 Ibid., p. 1264.

40 Ibid., p. 1265, n.

41 Ibid., p. 1272.

42 Ibid., p. 1273.

43 Yalta Papers, pp. 691, 692.

CHAPTER 4

44 *Yalta Papers*, p. 757.

45 Ibid.

46 *The Department of State Bulletin*, March 17, 1946, pp. 443–445.

47 John R. Deane, *The Strange Alliance, The Story of Our Efforts at Wartime Cooperation with Russia* (New York: The Viking Press, 1947), p. 187.

48 Deane, op. cit., p. 293.

CHAPTER 5

49 Sven Steenberg, *Wlassow, Verraeter oder Patriot?* (Cologne: Verlag Wissenschaft und Politik, 1968), p. 11.

50 George Fischer, *Soviet Opposition to Stalin in World War II*, (Cambridge: Harvard University Press, 1952), p. 169.

51 Ibid., p. 171.

52 *Pravda*, June 7, 1940. The news was published together with a picture of Vlasov.

53 Fischer, op. cit., p. 44.

54 Ibid., p. 173.

55 Steenberg, op. cit., pp. 22, 23.

56 Fischer, op. cit., p. 174.

57 Steenberg, op. cit., p. 29.

58 Steenberg, op. cit., p. 35.

59 Steenberg, op. cit., p. 36.

60 According to Alexander Dallin in *German Rule in Russia, 1941–1945* (London: Macmillan & Co., Ltd., 1957), p. 554, this was "indeed the only document, issued over Vlasov's name, that was assuredly his own product."

61 Ibid.

62 Steenberg, op. cit., p. 41.

63 Ibid.

64 George Fischer, *Der Fall Wlassow* (Berlin: Sonderdruck aus "Der Monat," Heft 33, 34 and 35, 1951), p. 32.

65 For details see Steenberg, op. cit., pp. 213 ff.

66 Ivan H. Peterman, "Prague's Four Fantastic Days," *The Saturday Evening Post*, July 14, 1945.

67 Steenberg, op. cit., pp. 215, 216.

68 *Ibid.*, pp. 218.

69 *Ibid.*, p. 223.

70 Ibid., p. 226.

71 *Ibid.*, p. 228. Jürgen Thorwald, in his book, *Wen Sie Verdeben Wollen*, p. 579, presents an almost identical account of these events.

72 *Ibid.*, p. 40.

CHAPTER 6

73 Joseph Hecomovic, in *Tito's Death Marches and Extermination Camps*, translated and edited by John Prcela, Chairman of the Committee for the Investigation of the Bleiburg Tragedy (New York: Carlton Press, 1962), p. 23.

74 Ibid.

75 Ibid., pp. 17, 18.

76 See *Trial of Major War Criminals*, XXIX, p. 88.

77 Peter J. Huxley-Blythe, *The East Came West* (Caldwell, Idaho: The Caxton Printers, Ltd., 1964), p. 201.

78 (Muenchen: Bergstadtverlag, Wilh. Gottl. Korn, 1957), henceforth quoted as "Mackiewicz."

79 Mackiewicz, p. 223.

80 Mackiewicz, pp. 223–233.

81 Mackiewicz, pp. 234, 235.

82 Huxley-Blythe, op. cit., pp. 205–207.

83 Huxley- Blythe, op. cit., pp. 208, 209.

84 Nikolai Krasnov, *The Unforgettable* (San Francisco: Russian Life, Inc., 1957). Krasnov, who has since died, was one of the released Cossacks.

85 Hansard, May 21, 1947, columns 2318, 2319.

86 *The Army Quarterly*, Vol. LI., No. 2, January 1946, William Clowes & Sons, Ltd., Axtell House, Warwick Street, Regent Street, London, W.1., pp. 239–247.

87 Oswald Stein, "The Repatriation of Prisoners of War," *The Army Quarterly*, Volume LXVII, No. 1, October 1953, p. 80.

88 Ibid.

89 On May 11, 1945, Prime Minister Churchill sent a Top Secret telegram to President Truman from which I quote the following:

"First, the Allies ought not to retreat from their present positions to the occupational line until we are satisfied about Poland and also about the temporary character of the Russian occupation of Germany and the conditions to be established in the Russianised and Russian-controlled countries in the Danube valley particularly Hungary, Austria and Czechoslovakia and the Balkans. Secondly, we may be able to please them about the exits from the Black Sea and the Baltic as part of a general settlement. All these matters can only be settled before the United States armies in Europe are weakened. If they are not settled before the United States armies withdraw from Europe and the Western world folds up its war machines, there are no prospects of a satisfactory solution and very little of preventing a third world war." *Foreign Relations of the United States, Diplomatic Papers, The Conference of Berlin*, (The Potsdam Conference), 1945, Volume I, Washington, 1960, p. 7.

90 *Foreign Relations of the United States, Diplomatic Papers, 1945*, Volume IV, Europe, (Washington: United States Government Printing Office, 1968), pp. 490, 491.

CHAPTER 7

91 Harvard University Press, Cambridge, 1952.

92 Ibid., pp. 116, ff.

93 Jürgen Thorwald, *Wen sie verderben wollen, Bericht des grossen Verrats* (Stuttgart: Steingrueben-Verlag, 1952) This book has not yet appeared in English translation.

94 Ibid., pp. 577, 578.

95 Kathleen McLaughlin, *The New York Times*, January 20, 1946.

CHAPTER 9

96 Statement by Robert H. Jackson, *The Department of State Bulletin*, Washington, U.S. Government Printing Office, Vol. XIII, No. 320, August 12, 1945, p. 227.

97 Ibid.

98 "Opening Address for the United States of America," by Robert H. Jackson, *The Department of State Bulletin*, Washington, U.S. Government Printing Office, Vol. XIII, No. 335, November 25, 1945, p. 860.

99 International Military Tribunal, Vol. XII, p. 497.

100 Robert K. Woetzel, *The Nuremberg Trials in International Law* (London: Steven & Sons Ltd., 1960. NewYork: Frederick Praeger, Inc., 1960) pp. 187, 188.

CHAPTER 10

101 See Appendix 3.

102 From the *Department of State Bulletin*, November 10, 1952, pp. 144–151.

103 Executive Order 10501, *Safeguarding Official Information in the Interests of the Defense of the United States*, signed by President Eisenhower on November 5, 1953, and Executive Order 10964, *Amendment of Executive Order No. 10501*, entitled *Safeguarding of Official Information in the Interests of the Defense of the United States*, signed by President Kennedy on September 20, 1961.

104 U.N. Document S/2715, 21 July 1952.

105 *U.N. General Assembly*, Document A/C 1/725, 1952.

106 A/2354, December 20, 1952: *General Assembly*, Seventh Session, Annexes, Agenda item 16, pp. 47–50.

CHAPTER 11

107 Report to the President by Secretary Dulles, *Department of State Bulletin*, May 30, 1955, p. 879.

108 *Department of State Bulletin*, March 8, 1954, p. 343.

109 *Foreign Ministers Meeting, Berlin Discussions January 25–February 18, 1954.* Department of State Publications 5399, International Organization and Conference Series I, 26, released March, 1954, pp. 235, 236.

110 For the full text, see Appendix 4.

111 *Foreign Ministers Meeting, Berlin Discussions January 25–February 18, 1954*, pp. 200, 201.

112 Ibid., p. 208.

113 *Department of State Bulletin*, September 20, 1954, p. 398.

114 *Department of State Bulletin*, December 13, 1954, p. 902.

115 *Department of State Bulletin*, June 20, 1955, p. 1012.

116 Austria was represented by Chancellor Julius Raab, Deputy Chancellor Dr. Adolf Schaerf, Foreign Minister Dr. Leopold Figl, Deputy Foreign Minister Dr. Bruno Kreisky, and the Austrian Ambassador to the Soviet Union, Norbert Bischoff. The Soviet Union was represented by its first Deputy Premier and Foreign Minister Vyacheslav M. Molotov and Anastias I. Mikoyan, another First Deputy Premier.

117 *The New York Times*, April 30, 1955.

118 For the full text of Kerensky's letter, see Appendix 5.

CHAPTER 12

119 *The New York Times*, February 9, 1956.

120 84th Congress, 2d Session S. 3168, *A Bill to authorize the administration of the United States of certain aliens, and for other purposes.*

121 *Mutual Security Appropriation, Hearings Before The Committee On Appropriations, United States Senate, Eighty-Fourth Congress, Second Session On H.R. 12130*, United States Government Printing Office, Washington: 1956, pp. 426–436. Reprinted in *Congressional Record*, July 6, 1956, A 5312/13.

122 *Scope of Soviet Activity in the United States, Hearings before the Subcommittee To Investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee On the Judiciary*, United States Senate, Eighty-Fourth Congress, Second Session, Part 25, pp. 1325–1327.

123 For a detailed account of Berezov's testimony, see Appendix 6.

124 Op. cit., p. 1353.

CHAPTER 13

125 *Final Act And Convention Relating To The Status Of Refugees, United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons Held at Geneva, Switzerland from 2 to 25 July 1951*, United Nations Publications, Sales No. 1951, IV. 4, p. 14.

126 *Ibid.*, pp. 28, 29.

127 *Statement of Laurence A. Dawson, Acting Deputy Director, Office of Refugee And Migration Affairs, Department of State*, United States State Senate, Committee on Foreign Relations, Appendix, Friday, September 20, 1968, p. 6.

128 Leslie B. Bain, *The Reluctant Satellites, An Eyewitness Report on East Europe and the Hungarian Revolution,* (New York: The Macmillan Company, 1960), p. 187.

129 *The New York Times,* October 19, 1955.

130 *The Tablet,* September 8, 1956.

131 *Ibid.*

132 *Report of the Zellerbach Commission on the European Refugee Situation,* The International Rescue Committee, New York, 1958, p. 1.

133 Ibid., Chapter 3, p. 6.

134 Ibid. Chapter 4, pp. 2–5.

135 Ibid., Chapter 4, pp. 7, 8.

136 From the report by the Geneva correspondent of the *Religious News Service,* as it appeared in *The Tablet* of July 11, 1959.

137 The text of the Swanstrom-van den Heuvel memorandum as reproduced here is taken from the news release by the *NCWC News Service* as it appeared in *The Tablet* of October 13, 1962.

138 *Immigration—Hearings before Subcommittee Nr. 1 of the Committee on the Judiciary, House of Representatives, Eighty-Eighth Congress on H.R. 7700 and 55 identical bills to amend the Immigration and Nationality Act, and for other purposes, Part III, Serial No. 13,* pp. 807–811.

CHAPTER 14

139 *The New York Times,* June 10, 1965.

140 *Ibid.*

141 *Industriekurier,* May 12, 1962.

142 *The New York Times,* December 13, 1966.

143 *The New York Times,* December 28, 1966.

144 Ibid.

145 Ibid.

CHAPTER 15

146 C. T. Kommer, *Das Urteil faellt im Zimmer 13. Werden Ungarnfluechtlinge der Diplomatie geopfert?, Rheinischer Merkur,* December 3, 1965.

CHAPTER 16

147 *Federal Register,* Vol. 18, November 10, 1953, p. 7051.

148 Executive Order 10964, Amendment of Executive Order No. 10501, entitled 'Safeguarding Official Information in the Interests of the Defense of the United States,' *Federal Register,* September 22, 1961. The Amendment was signed by President Kennedy two days before publication, September 20, 1961.

149 Henry L. Stimson & McGeorge Bundy, *On Active Service In Peace And War* (New York: Harper & Brothers, 1948), p. 608.

150 *Congressional Record,* February 8, 1955, p. 1130.

151 *American Legion Magazine,* December 14, 1954.

152 *Senate Report No. 813, 89th Congress, 1st Session, 111 Congressional Record 26821 (1965).*

153 *Clarifying and Protecting the Right of the Public to Information,* House of Representatives, 89th Congress, 2d Session, Report No. 1497, p. 2.

154 Ibid., p. 5.

155 Ibid., p. 9.

156 Ibid.

157 Ibid.

CHAPTER 18

158 On January 21 and 28, 1973, *The Sunday Oklahoman* published two articles based on two leaked, classified British documents depicting the horror of forced repatriation of anti-communist Soviet nationals. The documents proved that the British Army itself was shocked by the forced deportation of anti-communist DPs in its custody. It proves also that the American Occupation Forces in Germany were possibly repatriating Soviet nationals in 1948.

Bibliography

I. Books

Alliluyeva, Svetlana. *Twenty Letters to a Friend.* New York: Harper & Row, 1967. 185 pp.

Anders, Wladyslaw. *Hitler's Defeat in Russia.* Chicago: Henry Regnery Company, 1953.

Aronson, Grigori. *Die Wahrheit ueber die Wlassow-Bewegung.* (In Russischer Sprache). New York: 1948.

Bahramy, A. *Le Droit d'Asile,* Paris: Rousseau 1938.

Beauchet, L. *Traité de l'Extradition.* (1899).

Beinhauer. *Die Kriegsgefangenschaft nach den Bestimmungen der Haager Friedenskonferenz von 1899–1907.* Unpublished Ph.D. dissertation. Marburg, 1908.

Belli, P. *De Re Militari et Bello Tractatus.* (Translated by H. C. Nutting, 1936).

Billot, A. *Traité de l'Extradition,* (1874).

Bluntschli. *Voelkerrecht der zivilisierten Staaten.* Noerdlingen, 1878.

Bradley, Omar N. *A Soldier's Story.* New York: Henry Holt & Company, 1951.

Butcher, Captain Harry C. *My Three Years with Eisenhower.* New York: Simon and Schuster, 1946.

Charpentier, A. *La Convention de Génève du 27 Juillet 1929 et le Droit Nouveau des Prisoniers de Guerre (1936).*

Davis, Franklin M. Jr. *Come as a Conqueror. The United States Army's Occupation of Germany 1945–1949.* New York: The Macmillan Company, 1967.

Deane, John R. *The Strange Alliance.* New York: The Viking Press, 1947.

Degras, Jane. *Soviet Documents on Foreign Policy.* Vol. I (1917–1924), London: Oxford University Press, 1951.

Donovan, Robert J. *Eisenhower, The Inside Story.* New York: Harper & Brothers, 1956.

Draper, G.I.A.D., LL.M. *The Red Cross Conventions.* New York: Frederick A. Praeger, 1958.

Dulles, Eleanor Lansing. *John Foster Dulles: The Last Year,* New York: Harcourt, Brace & World, Inc., 1963.

Dvinov, Boris L. *Politics of the Russian Emigration.* Santa Monica, Cal. The Rand Corporation 1955.

Dwinger, Edwin Erich. *General Wlassow, Eine Tragoedie unserer Zeit.* Frankfurt am Main: Otto Dikreiter Verlag, 1951.

Eisenhower, Dwight D. *Crusade In Europe.* Garden City, N.Y. Doubleday, 1952.

Fischer, George. *Soviet Opposition to Stalin in World War II.* Cambridge: Harvard University Press, 1952.

Flory, William E. S. *Prisoners of War; A Study in the Development of International Law.* Washington, D.C. American Council On Public Affairs, 1942.

García-Mora, Manuel R. *International Law and Asylum as a Human Right.* Washington, D.C. Public Affairs Press, 1956.
Gentili, A. *De Jure Belli Libri Tres.* (Translated by J. C. Rolfe, 1933.)
Glueck, Sheldon. *War Criminals, Their Prosecution and Punishment.* New York: Alfred A. Knopf, 1944.
———. *The Nuremberg Trial and Aggressive War.* New York: Alfred A. Knopf, 1946.
Grotius, H. *De Jure Belli ac Pacis Libri Tres.* (Translated by F. W. Kelsey, 1925.)

Hackworth, G. H. *Digest of International Law.* Vol. 6, 1943.
Hecimovic, Joseph. *In Tito's Death Marches.* Chicago: Croatian Franciscan Press, 1961.
———. *In Tito's Death Marches and Extermination Camps.* New York: Carlton Press, 1962.
Heinemann, Friedrich Wilhelm. *Das Kriegsgefangenenrecht im Landkriege nach moderner voelkerrechtlicher Auffassung unter besonderer Beruecksichtigung des Genfer Kriegsgefangenen-Abkommens vom 27. Juli 1929.* Inaugural-Dissertation, Erlangen: Friedrich-Alexander-Universitaet, 1931.
Helfant, Henry. *The Trujillo Doctrine of the Humanitarian Diplomatic Asylum.* Mexico: Editorial Offset Continente, 1947.
Hingorani, R. C. *Prisoners of War.* Bombay: N. M. Tripathi Private Ltd., 1963.
Hunter, Edward. *Attack by Mail.* Linden, N.J.: The Bookmailer, 1966.
Huxley-Blythe, P. J. *Betrayal, The Story of Russian Anti-Communism.* Fleetwood, Lancashire, Eng. The Friends of National Russia.
———. *The East Came West.* Caldwell, Idaho: The Caxton Printers, Ltd., 1964.
Hyde, C. C. *International Law Chiefly as Interpreted and Applied by the United States.* Vol. 3, 2nd edition, 1952. Boston: Little Brown.

Janeczek, Edward John. *Nuremberg Judgment in the Light of International Law.* Thèse presentée à l'Université de Génève Pour obtenir le Grade de Docteur Des Sciences Politiques. Génève: Imprimeries Populaires, 1959.
Jolis, A. E. *When the Red Army Fought Stalin; The Story of Hitler's Red Division.*
Joy, Admiral C. Turner. *How Communists Negotiate.* New York: The Macmillan Company, 1955.

Keenan, Joseph Berry and Brendan Francis Brown. *Crimes Against International Law.* Washington, D.C. Public Affairs Press, 1950.
Kleist, Dr. Peter. *The European Tragedy.* Isle of Man, England: Times Press, Anthony Gibbs & Phillips.

Lauterpacht, H. *International Law and Human Rights.* New York: Frederick A. Praeger, Inc., 1950.

Mackiewicz, Josef. *Tragoedie an der Drau oder die Verratene Freiheit.* Munich: Bergstadtverlag Wilh. Gottl. Korn, 1957.
Mazzucchetti, Dr. Lavina and Dr. Adelheid Lohner. *Die Schweiz Und Italien.* Zuerich: Benzinger Verlag Einsiedeln, 1941. (insert after title: Darin: II. Kapitel "Die Schweiz als Asylland")
Moore, J. B. *A Digest of International Law.* Vol. 7, 1906.

Oppenheim, L. *International Law.* 7th edition, edited by H. Lauterpacht, 1944.

Osokin, W. *Andrej Andrejewitsch Wlassow, eine kurze Biographie.* Dabendorf bei Berlin. (In russischer Sprache) 1944.

Payrat, A. du. *Le Prisonnier de Guerre Dans la Guerre Continentale,* 1910.
Petrowsky, A. *Unvergessener Verrat! Roosevelt-Stalin-Churchill.* Munich: Schultzverband der Kosaken e. V. in Deutschland, 1965.

Rasmussen. *Code Des Prisonniers de Guerre. Commentaire de la Convention du 27 Juillet 1929.* Copenhagen, 1931.
Recht, Charles. *The Right of Asylum.* New York: The Social Economic Foundation, Inc., 1935.
Reiners, Wilfred O. *Soviet Indoctrination of German War Prisoners, 1941–1956.* Cambridge: Center for International Studies, Massachusetts Institute of Technology, 1959.
Renken, Karl Wilhelm. *Die Voelkerrechtliche Stellung der Kriegsgefangenen nach dem Abkommen ueber die Behandlung der Kriegsgefangenen vom 27. Juli 1929.* Inaugural-Dissertation. Goettingen: Georg-August-Universitaet, 1934.
Ridgway Mathew B. *The Korean War.* New York: Doubleday & Company, Inc., 1967.

Shapiro, Leonard. *Soviet Treaty Series.* Vol. I (1917–1928), Washington, D.C.: The Georgetown University Press, 1950.
———. *Soviet Treaty Series.* Vol. II (1929–1939), Washington, D.C.: The Georgetown Univ. Press, 1955.
Siegert, Karl. *Grundlinien des Voelkerstrafrechts.* Boettinger Beitraege fuer Gegenwartsfragen. Goettingen: Institut fuer Voelkerrecht an der Universitaet Goettingen, Wissenschaftlicher Verlag, 1953.
Smith, Walter Bedell. *My Three Years In Moscow.* New York: J.B. Lippincott Company, 1950.
Steenberg, Sven. *Wlassow-Verräter oder Patriot?* unveröffentlichten Fotos, Verlag Wissenschaft und Politik, Koller, 1968.
Stimson, Henry L. and McGeorge Bundy. *On Active Service In Peace and War.* New York: Harper & Brothers, 1948.
Stone, Julius. *Legal Controls of International Conflict.* London: Stevens & Sons Limited, 1954.

Taracouzio, T. A. *The Soviet Union and International Law.* New York: The Macmillan Company, 1935.
Thorwald, Jürgen. *Wen sie verderben wollen. Bericht des grossen Verrats.* Stuttgart: Steingrueben-Verlag, 1952.
Triska, Jan F. and Robert M. Slusser. *The Theory, Law and Policy of Soviet Treaties.* Stanford: Stanford University Press, Hoover Institution Publications, 1962.

Vattel, E. de. *Les Droits des Gens.* Translated by J. Chitty, 1861.
Verdross, Alfred. *Voelkerrecht.* Vienna: Springer-Verlag, 1950.

West, Rebecca. *The Meaning of Treason.* New York: Viking Press, 1947.
Wheaton, H. *Elements of International Law.* R. H. Dana, ed. (Little Brown).
Woetzel, Robert K. *The Nuremberg Trials in International Law.* New York: Frederick A. Praeger, Inc., 1960.

Yurasov, Vladimir. *Parallax.* New York: W.W. Norton & Company, Inc., 1966.

Zellerbach Commission. *European Refugee Problems 1959*. New York: The Zellerbach Commission, 1960.

II. Articles

"AFRF appeals for 'living Yalta victims' in West Germany," *AFRF New Bulletin*, (June, 1955).
"Aid For Economic Refugees Asked," *The Tablet*, Brooklyn, July 11, 1959.
"Glanz und Untergang der Kosaken," *Allgemeine Zeitung* (Lueneburg), No. 58, 1952.
Arnold-Forster, W. "Displaced Persons in Germany; UNRRA's Cooperation with the Armies," *The Army Quarterly* (British Publication), Vol. LI. No. 2, (January, 1946).
"Article 16 of Austrian State Treaty Draft," *The New York Times*, May 4, 1955.
"Austria and Repatriation," *The New York Times*, April 29, 1955.
"Austria Quiets Refugees' Fears," *The New York Times*, April 30, 1955.
"Austria Relieves U.S. On Refugees," *The New York Times*, May 1, 1955.
"Austrian Treaty: Article 16," The New York *Daily News*, May 5, 1955.
"Austrian Treaty Crime Foreseen by Exiles In U.S.," *The Tablet* Brooklyn, May 7, 1955.
"Austria and the Refugees," *The New York Times*, October 19, 1955.
"Austria and the Refugee Problem," *The New York Herald Tribune*, April 9, 1956.

Baxter, Major R. R. "Asylum to Prisoners of War," *British Yearbook of International Law, 1953*, Vol. 30 (1954), p. 489.
Bielenberg, Frau Dr. Heidi (Fr. Wlassow). "Die Tragoedie eines Generals," *Schweizer Illustrierte Zeitung*, No. 2, 1951.
Bosch, Albert H. Remarks made in the House of Representatives on his bill, H.R. 137, *Congressional Record*, February 8, 1955.
"Bosch Fordert eine Untersuchung der Zwangs-Repatriierungen," *New Yorker Staatszeitung und Herold*, February 13, 1955.
Bosiljevic, Joseph V. "Escapees From Tito Communism Are Given Special Treatment: Imprisonment or Execution," *Congressional Record* (appendix), August 21, 1964.
Bourne, Eric. "Austria Continues as Refugee Haven," *Christian Science Monitor*, October 26, 1964.
Brown, John Mason. "German Prisoners of War in the United States," *The American Journal of International Law*, Vol. 39, No. 2, (April, 1945).

"Cable to Austrian Chancellor Raab and ACEN Chairman Calls On Austrian Observer to U.N.," *ACEN News*, Vol. I, No. 7–8 (October-November, 1955).
Carey, Jane Perry Clark. "Displaced Populations in Europe in 1944, with Particular Reference to Germany," *Department of State Bulletin*, Vol. XII, No. 300, March 25, 1945.
"Charge Reds Lured Back Five," the New York *Daily News*, April 9, 1956.
Charmatz, J. P. and H. M. Wit. "Repatriation of Prisoners of War and the 1949 Geneva Convention," *Yale Law Journal* (New Haven, Conn.), Vol. 62 (1952–1953), pp. 390, 400.
Clause, James D. "The Status of Deserters Under the 1949 Geneva Prisoner of War Convention," *Military Law Review*, January, 1961.
Cohn, Aline. "The Refugee Problem in Austria," *The New York Herald Tribune*, April 13, 1956.

Delaney, Ed. "Offers Congress Ample Proof on Delivery of Refugees To Reds," Montrose (Calif.) Ledger, June 7, 1956. Reprinted in Congressional Record, June 12, 1956.
Denny, Ludwell. "Exiles Refuse Soviet Lures in Austria," *New York World Telegram and Sun*, May 10, 1956.

"Eastland greift UN-Kommissar fuer Fluechtlinge an," *New Yorker Staatszeitung und Herold*, May 20, 1956.
Edwards, Willard. "Red Refugees in U.S. Called Yalta Victims," *Chicago Daily Tribune*, May 19, 1956.
Eisenhower, Dwight D. "Message to Congress Dealing with Immigration," *The New York Times*, February 9, 1956.
Emmet, Christopher, Hal Lehrman, and Mrs. Kermit Roosevelt (for the Executive Committee, American Friends of the Captive Nations). "Refugees From Tito," *The New York Times*, November 4, 1964.
Epstein, Julius. "Ein Verbrechen gegen das Voelkerrecht: Die zwangsweise Auslieferung von Sowjet-Buergern durch die USA," *Sudetendeutsche Zeitung*, July 10, 1954.
———. "Das Verbrechen der Zwangsrepatriierung," *Der Tagesspiegel* (Berlin), July 23, 1954.
———. "How We Served as Partners in a Purge," *The American Legion Magazine*, December 1954. (reprints: Congressional Record, January 10, 1955, p. A83.
———. "Wir lieferten zwei Millionen D.P.'s den roten Henkern aus Zwangsweise Repatriierung von Sowjetbuergern durch U.S.—Regierung enthuellt," *Sonntagsblatt, Staatszeitung und Herold*, New York, January 2, 1955.
———. "American Forced Repatriation," *The Ukrainian Quarterly*, Autumn, 1954.
———. "Forced Repatriation," *The New York Herald Tribune*, March 2, 1955.
———. "Will Congress Repudiate Forced Repatriation?" *The Tablet*, Brooklyn, March 12, 1955. (Reprint: *Congressional Record*, March 16, 1955, p. A 1780.)
———. "In The Yalta Papers," *The New York Herald Tribune*, April 7, 1955.
———. "Says Yalta Papers Fail to Relate Whole Story," *The Tablet*, Brooklyn, April 9, 1955. (Reprint: *Congressional Record*, April 20, 1955, p. A 2652.)
———. "Yalta und Die Zwangsrepatriierungen," *Sudetendeutsche Zeitung* (Munich), April 9, 1955.
———. "Die Zwangsrepatriierung im Lichte der Yalta-Dokumente," *New Yorker Staatszeitung und Herold*, April 16, 1955.
———. "Yalta and the Russian Exiles," *Manchester Guardian*, April 15, 1955.
———. "Zwangsrepatriierung und Jalta-Dokumente," *Der Tagesspiegel*, Berlin, April 14, 1955.
———. "Die Zwangsrepatriierung im Lichte der Jalta-Dokumente," *Volksbote*, Munich, Easter, 1955.
———. "Forced Repatriation in Treaty Protested," *The New York Herald Tribune*, April 23, 1955. (Reprint: *Congressional Record*, April 25, 1955.)
———. "Forced Repatriation In Treaty Protested," *The Tablet*, Brooklyn, April 30, 1955.
———. "Der Oesterreichische Staatsvertrag bedroht 30,000 Displaced Persons," *New Yorker Staatszeitung und Herold*, May 1, 1955.
———. "Repatriement forcé en Autriche?" *Exil et Liberté*, May 1955.
———. "New Light On Yalta," *The New York Herald Tribune*, May 3, 1955.
———. "Dulles Releases Text of Missing Diplomatic Note," *The Tablet*, Brooklyn, May 28, 1955. (Reprint: *Congressional Record*, June 1, 1955, p. A 3821.)
———. "New Red Tactic Menaces Peace," *The Tablet*, Brooklyn, June 18, 1955. (Reprint: *Congressional Record*, June 28, 1955, p. A 4702.)

———. "Der Verrat an Tinio—'Held der Apenninen,'" *New Yorker Staatszeitung und Herold*, June 26, 1955.
———. "Toward Congressional Investigation of the Yalta Forced Repatriation of Soviet Nationals," *AFRF News Bulletin*, New York, June, 1955.
———. "Hero Who Fought Nazis Under U.S. Given to Soviets," *The Tablet*, Brooklyn, July 2, 1955.
———. "Urges Exposure of Repatriation of 200 to USSR," *The Tablet*, Brooklyn, August 13, 1955.
———. "F.D.R.'s Refugees," the New York *Daily News*, September 23, 1955.
———. "Congressional Inquiry asked into Forced Repatriation," *New York World Telegram and Sun*, October 11, 1955.
———. "Refugee Problems," *The New York Herald Tribune*, October 28, 1955.
———. "Repatriation of Refugees," *The New York Herald Tribune*, November 5, 1955.
———. "Refugees in Austria," *The New York Times*, November 24, 1955.
———. "Die Auslieferung der Wlassow-Truppen," *New Yorker Staatszeitung und Herold*, December 4, 1955.
———. "Agents Trail Russian Refugees In U.S.; Urge That They Return To Soviet Union," *North American Newspaper Alliance*, New York, December 19, 1955.
———. "An American Crime," *National Review*, December 21, 1955. (Reprint: *Congressional Record*, January 5, 1956.)
———. "Sie waren umsonst gefluechtet, Zur Lage der Fluechtlinge in Oesterreich," *New Yorker Staatszeitung und Herold*, January 8, 1956.
———. "Die russischen 'Tuapse'-Matrosen von Sowjetagenten beschattet," Interview with Gregory Klimov, *New Yorker Staatszeitung und Herold*, January 22, 1956.
——— and others. "Forced Repatriation," *The New York Times*, January 26, 1956. (Reprint: Congressional Record, February 1, 1956)
———. "Group Opposes Repatriation," *The Tablet*, Brooklyn, February 4, 1956.
———. "Forced Repatriation," *The New York Times*, February 25, 1956.
———. "Refugee Blackmail," *The New York Herald Tribune*, February 29, 1956. (Reprint: Congressional Record, March 27, 1956)
———. "Victims of Reds Are Sent To USSR," *The Tablet*, Brooklyn, March 3, 1956. (Reprint: Congressional Record, March 13, 1956)
———. "Der Praesident ist gegen eine Zwangsdeportierung," *New Yorker Staatszeitung und Herold*, March 4, 1956.
———. "Eine 'Internationale Konvention gegen Zwangsrepatriierung,'" *New Yorker Staatszeitung und Herold*, April 1, 1956.
———. "Italy Repatriates Refugees, Writer Says," *The Tablet*, Brooklyn, April 28, 1956.
———. "Lettre du Général Denikine au Général Eisenhower," *Exil et Liberté*, October 1956.
———. "Repatriation: Threat to America," *American Mercury*, January 1957.
———. "Aid to Poland," *New York Herald Tribune*, May 19, 1957.
———. "Forced Repatriation of Political Refugees," *The Tablet*, Brooklyn, February 8, 1958. (Reprint: *Congressional Record*, February 18, 1958)
———. "Remarks Originally Intended to be Made at the White House Conference on Refugees, Washington, May 21, 1959," *Congressional Record*, June 29, 1959.
———. "World Refugee Year and Forced Repatriation," *The Tablet*, Brooklyn, July 4, 1959.
———. "World Should Care For Chinese Refugees," *The Tablet*, Brooklyn, May 26, 1962.

———. "Forced Repatriation; Yugoslavian Refugees Sent Back," *Palo Alto Times*, September 22, 1964.
———. "U.S. Should Protest; W. Germany forcing Repatriation of many Hungarian Refugees," *Palo Alto Times*, December 21, 1965.
———. "Political Refugees," *San Francisco Examiner*, January 4, 1966.
———. "Lord Russell's Silence," *San Francisco Examiner*, August 9, 1966.
———. "Why not try Britisher First?" *Palo Alto Times*, August 10, 1966.
———. "Repatriation by Force Wrong," *Palo Alto Times*, February 28, 1967.
———. "Pourquoi j'ai poursuivi en justice le ministre de la défense nationale des Etats-Unis," *Exil et Liberté*, Octobre, 1968.
———. Will "Forced Repatriation" Be an Issue in Vietnam? *Human Events*, November 30, 1969.
———. "Die alliierten Zwangsauslieferungen sind unvergessen." *Frankfurter Allgemeine Zeitung*, 13. Februar 1969.
———. Forced Repatriation—A Crime Against Humanity, *Central Europe Journal*, May, 1969.

Fischer, Alfred Joachim. "A Russian Quisling," *Contemporary Review* (London), February 1945.
Fischer, George. "Vlasov and Hitler," *Journal of Modern History*, March 1950.
Fischer, Georg. "Der Fall Wlassow," *Der Monat*, Berlin, No. 33–35, 1952.
"Five Soviet Sailors 'Pressured?'" *New York Journal-American*, April 9, 1956.
"Five Who Got U.S. Asylum Fly Back to Russia," *New York Post*, April 9, 1956.
Flynn, Eleanor C. "The Geneva Convention on Treatment of Prisoners of War," *George Washington Law Review* (Washington, D.C.), Vol. II, 1943, pp. 505–6.
"Forced Repatriation Fought," *New York Times*, May 7, 1955.
"Forced Repatriation," *The New York Herald Tribune*, collective letter to the editor, February 16, 1956.
Froehlich, Dr. Hans. "Die Zwangsauslieferung vor dem US-Kongress," *Sudetendeutsche Zeitung* (Munich), February 26, 1955.
———. "Abgeordneter Bosch fordert eine Untersuchung der Zwangsrepatriierungen," *Die Bruecke*, February 26, 1955.

"Geneva Convention Relative to the Treatment of Prisoners of War, 1949," *American Journal of International Law*, Vol. 47, (1953), p. 119.
Glaser, Kurt. "Zwangsauslieferungen sollen untersucht werden—Julius Epstein's Enthuellungen erwecken lebhaftes Interesse im US—Kongress," *Volksbote*, (Munich), January 8, 1955.
Grew, Joseph C. "The Repatriation Program," *Department of State Bulletin*, Vol. XIII, No. 319, August 5, 1945.
Gruber, Karl. "Refugees In Austria," The *New York Herald Tribune*, November 1, 1955.
———. "Austrian Stand on Refugees," *The New York Times*, November 7, 1955.
———. "Refugees in Austria," The *New York Herald Tribune*, November 16, 1955.
Gutteridgem, Joyce A. "The Geneva Conventions of 1949," *The British Year Book of International Law*, (1949), pp. 294–326.

Hangen, Welles. "Soviet is Pressing for D.P.'s Return," *The New York Times*, December 2, 1955.
Hanson, Kitty. "Refugee Year, New Hope for the Lost Ones," the New York *Daily News*, July 27, 1959.
Healy, Paul. "Witness Tells Red Pressure On Exiles Here," the New York *Daily News*, May 19, 1956.

Hoffman, Michael L. "Austria Disturbs U.S. on Refugees," *The New York Times*, October 18, 1955.
———. "Austria Asks Aid to Ship Refugees," *The New York Times*, February 24, 1956.

"Induced Redefection," *New York Herald Tribune*, April 2, 1956.
Institute of International Law Resolution: Definition of the Term "Asylum," *American Journal of International Law*, Supplement, Vol. 45, (1951), p. 15.
"International Convention Against Forced Repatriation Planned," *Expellee Press Service*, (Goettingen), Vol. V, No. 12, (March 23, 1956).
"Investigation Stirring," *The Tablet*, Brooklyn, April 30, 1955.

Kihss, Peter, "Red Agents Here Accost Refugees," *The New York Times*, January 14, 1956.
Kommer, C. T. "Das Urteil Faellt im Zimmer 13. Werden Ungarnfluechtlinge der Diplomatie geopfert?" *Rheinischer Merkur*, December 3, 1965.
"Kriegsgefangene, die nicht zurueck wollen," *Deutsche Zeitung und Wirtschaftszeitung*, No. 67, 1952.
Kunz, J. L. "Treatment of Prisoners of War," *Proceedings of the American Society of International Law* (1953), pp. 99, 108.

Lane, Arthur Bliss. "Refugees in Austria," *The New York Times*, December 7, 1955.
Lauterpacht, H. "The Law of Nations and the Punishment of War Crimes," *The British Year Book of International Law* (1944), pp. 58–95.
———. "The Universal Declaration of Human Rights," *The British Year Book of International Law* (1948), pp. 354–381.
"Let Us Save Polish Refugees In Austria From Soviet Slavery," *Polish-American Journal*, April 30, 1955. (Reprint: *Congressional Record*, May 2, 1955)
Lewis, Anthony. "President Urges Wide Law Change to Aid Immigrants," *The New York Times*, February 9, 1956.

MacCormac, John. "Austria Restates Right of Asylum," *New York Times*, December 1, 1955.
———. "Austrian Accord Believed Near; Soviet Yields on Refugees, Arms," *The New York Times*, May 5, 1955.
March, H. F. "Duesteres Kapitel Westlicher Nachkriegspolitik. US-Kongress soll Repatriierungen aufklaeren," *Der Sudetendeutsche* Hamburg, February 26, 1955.
Martin, Paul R. "Defense of Yalta Pact is Termed Un-American," *The Tablet*, Brooklyn, April 23, 1955.
McGinness, John R. "An International Bill of Rights for Prisoners of War," *Cleveland-Marshall Law Review*, Vol. 2, no. 2, (Winter, 1953).
Morawski, I. "Ad Majorem Russiae Gloriam," *Nowy Swiat*, New York, July 1, 1955.
Morgenstern, Felice. "Asylum for War Criminals, Quislings, and Traitors," *British Yearbook of International Law*, Vol. 25, (1948), p. 382.
———. "The Right of Asylum," *British Yearbook of International Law, 1949*, Vol. 26, (1949), p. 346.
"Mother love can be a terrible thing," (cartoon), the New York *Daily News*, May 5, 1955.

Niessel, A. "La Protection des Prisonniers de Guerre," *Exil et Liberté*, No. 15, (April, 1955).
Norris, James J. "Refugees in Austria," *The New York Herald Tribune*, December 4, 1955.

O'Donnell, John. "Capitol Stuff," the New York *Daily News*, April 22, 1955.
———. "Capitol Stuff," the New York *Daily News*, May 5, 1955.
Ollivier, Georges. "Yalta et le Droit d'Asile," *Exil et Liberté*, July, 1955.
Olsen, Arthur J. "Bonn to Yield 31 Who Favor Soviet," *The New York Times*, April 10, 1956.
———. "Refugees Giving Up Aimless Life In Germany to Return to Homes," *The New York Times*, May 9, 1956.
"Our Victory Over the Reds and Tasks Ahead of Us," *Polish-American Journal*, May 14, 1955.

Pegler, Westbrook. "Brutality Towards Prisoners of War," *New York Journal-American*, October 19, 1955.
Peters, Richard. "Wlassows Schatten," *Hannoverische Allgemeine Zeitung*, March 4, 1955.
Peterson, Ivan H. "Prague's Four Fantastic Days," *The Saturday Evening Post*, July 14, 1945.
"Poles In Austria Saved From Communist Slavery; Efforts of Epstein, Flood, *Polish-American Journal* Successful," *Polish-American Journal*, May 14, 1955.
"Probe Told of Refugees In Hiding," New York *Mirror*, May 19, 1956.

"Red Repatriation Laid to Coercion," *The New York Times*, April 15, 1956.
"Refugee Soviet Sailors Go Home Mysteriously," *New York World Telegram and Sun*, April 9, 1956.
"Repeat A Crime Of 1945," the New York *Daily News*, April 27, 1955.
"Rezolucja Nr. 137," *Dziennik Polski* (*Polish Daily News*), Detroit, April 14, 1955.
"Right of Asylum," New York *Mirror*, April 11, 1956.
Robinson, John Barnard. "Inquiry On War Prisoners," *The New York Times*, February 18, 1956.
Roeder, Bill. "Ship-Jumper Faces Return to Yugoslavia Despite Plea," *New York World Telegram and Sun*, November 16, 1959.
Romainville, François de. "Il faut gagner la confiance des peuples opprimés," *Exil et Liberté*, March, 1955.
———. "Un Nouveau Crime Se Prépare," *Exil et Liberté*, May, 1955.
———. "Convention Internationale Contre le Repatriement Forcé," *Exil et Liberté*, April, 1956.
Ross, Albion. "5 Russians Go Home, Ending U.S. Asylum," *The New York Times*, April 9, 1956.
"Russia Drops Repatriation In Vienna Pact," the New York *Daily News*, May 5, 1955.
"Russians Drop Austria Row on Refugees, Arms," *New York World Telegram and Sun*, May 5, 1955.
Ryskind, Allan H. "Staunch Anti-Communist Faces Deportation," *Human Events*, December 3, 1966.

"Says 20,000 Defectors Hide; Probe Told Russians Are in U.S. Under False Names," *The New York Herald Tribune*, May 19, 1956.
Schapiro, L. B. "Repatriation of Deserters," *British Yearbook of International Law 1952*, Vol. 29, (1953), pp. 310–324, 311, 315–318.
Schwelb, Egon. "Crimes Against Humanity," *British Yearbook of International Law*, Vol. 23 (1946), pp. 178–226.
Seldin, Joel. "5 Red Defectors Return to Russia," *The New York Herald Tribune*, April 9, 1956.
"Skandal in Hongkong," *Industriekurier* (Duesseldorf), May, 1962.
Slavik, Juray. "Refugees in Austria," *The New York Times*, May 8, 1955.

"Soviet Yield on Refugees in Austria," *The New York Herald Tribune,* May 5, 1955.
"Status of Deserters," *Military Law Review,* January, 1961.
Stedry, Vladimir. "Escapees, Allies of the West," *Central Europe Journal,* Vol. 14, No. 1, December 1966.
Stein, Oswald. "The Repatriation of Prisoners of War," *The Army Quarterly,* (London), Vol. LXVII, No. 1, October 1953.
"Stijgende Omgerustheid in U.S.A. over Communistische Pressie op de Vluchtlingen in Oostenrijk," *De Telegraph* (Amsterdam), November 19, 1955.
"Systematic Terrorism," *The New York Herald Tribune,* April 28, 1955.

"Talks On Austria Slowed By Soviet," *The New York Times,* May 4, 1955.
"Thirty Thousand Lives," *The News,* Washington, D.C., May 3, 1955.
"Thirty Thousand Lives," *New York World Telegram and Sun,* May 4, 1955.
Tompkins, Elon F. "A Secret Tragedy," *New York Journal-American,* March 4, 1955.
"Treaty May Seal Fate of 30,000," *The News,* Washington, D.C., May 3, 1955.
"20,000 Soviet Refugees In U.S. Held Red Target," *The Washington Post,* May 19, 1956.
"20,000 Refugees Called Red 'Prey' " *The New York Times,* May 19, 1956.

Underwood, Paul. "Austria Appeals For All Refugees," *The New York Times,* October 18, 1959.
U.N., U.S. Officials Seen Victims of Red Propaganda," *The Tablet,* Brooklyn, October 13, 1962.
"U.S. Attitude Toward Yugoslav Refugees Deplored," *Catholic News,* August 27, 1960.

Vishniak, Mark. "Forced Repatriation and The Austrian Treaty," *New Leader,* May 9, 1955.
Volkov, Leon. "What the Reds Want Now," *Newsweek,* May 16, 1955.

Warner, James E. "Austria Is Funnel For Refugees Fleeing Reds," *The New York Herald Tribune,* April 4, 1956.
Weerd, Hans de (van Rooy). "Operation Keelhaul," *The Ukrainian Review,* (London), Vol. II, No. 4, December 1955.
Wilhelm, R. J. "Can the Status of Prisoners of War Be Altered?" *Revue Internationale de la Croix-Rouge,* (July and September, 1956), pp. 28–31.
Wilson, Richard. "Five Soviet Sailors Give Up Liberty, Leave With 'Escort,' " New York *Mirror,* April 9, 1956.
Wraga, Richard. "Russian Emigration after Thirty Years' Exile," *The Eastern Quarterly,* (London) Vol. IV, No. 1, January, 1951.

III. Documents

Great Britain Foreign Office. White Paper: *The Legal Aspect of the Repatriation of Prisoners of War,* March, 1953.
———. Foreign Office. *The Problem of Peace in Korea,* October 24, 1952.

League of Nations. High Commission For Refugees. *Report on the Work of the High Commission for Refugees.* Presented by Dr. F. Nansen, 4th Assembly, 1923.
———. *Treaty Series. Convention of May 8, 1922, between Germany and Czechoslovakia.* Vol. 23, (1924), p. 191, Article 4, section (3).

———. *Repatriation Clauses: Treaties of Brest-Litovsk (March 3, 1918), Soviet Union/Austria-Hungary (March 3, 1918, Soviet Union/France (April 20, 1920) and Germany/Latvia (April 20, 1920).* Vol. 2, p. 74.

United Nations. Relief And Rehabilitation Administration. Displaced Persons Operations. *Report of Central Headquarters For Germany.* Washington, D.C.: April 1946.
———. Resolution of December 1, 1950. *Repatriation.*
———. Resolution of December 3, 1952. *Prisoners of War.*
———. *Treaty Series,* vols. 37, 54.
———. War Crimes Commission. *Law Reports of Trials of War Criminals.* By Egon Schwelb. Vol. 15 (1949), pp. 134–138.
U.S. Department of the Army. Headquarters U.S. Army Military Government in Korea, Foreign Affairs Section, Seoul, Korea. *Repatriation—Sept. 25–Dec. 31, 1945.* Prepared by William J. Gane.
U.S. Department of Defense. Restricted Document from Supreme Headquarters Allied Expeditionary Force (CA/d9) (Eisenhower), G5 Division Displaced Persons Branch. *Guide To The Care of Displaced Persons In Germany.* Revised May, 1945.
U.S. Department of State. Document dealing with repatriation of prisoners of war in Korea. (Title not available.) Bulletin 272 (1952).
U.S. Department of State. *Prosecution and Punishment of the Major War Criminals of the European Axis.* London Agreement of Aug. 8, 1945, and Protocol (Berlin) of October 6, 1945. Washington: G.P.O., 1946.
———. Foreign Ministers Meeting, Berlin Discussions, Jan. 25–Feb. 18, 1954. Publication 5399, International Organization and Conference Series I, 26. Released March, 1954.
———. *The Austrian State Treaty.* Publication 6437, European and British Commonwealth Series 49. Released April, 1957.
U.S. Office of Chief of Counsel for Prosecution of Axis Criminality. *Nazi Conspiracy and Aggression. Opinion and Judgment.* Washington: G.P.O. 1947.

IV. Others

Geneva Convention of 1929
Geneva Convention of 1949, Article 109.
Hague Convention of 1899.
Hague Convention of 1907.
Treaty of Versailles, Article 220.
Treaty of Dec. 10, 1898, between the U.S. and Spain.

Name Index

Acheson, Dean G.; U.S. Secretary of State, 2, 94 f, 111 ff, 210, 216
Adenauer, Konrad; German Chancellor, 31
Aga Khan, Prince Sadruddin; U.N. High Commissioner for Refugees, 5
Akushin, Rodion; pseudonym, see Berezov, Rodion, 219
Alexander; King of Yugoslavia, 88
Alexander III; Tsar, 53
Alexander, Sir Harold: British General, Deputy Allied Commander in Chief, 73, 82, 87
Almond, Edward M.: General, Commander of U.S. Division in Italy, 105 ff
Anderson, Eugenie; U.S. Ambassador to Denmark, Member of the Zellerbach Commission, 169
Antonov, Rostislav; Adjutant to Vlasov, 65, 69
Archbishop of Canterbury, see Fisher of Lambeth
Arnold-Forster, W.; author, 93 f
Artiemiev, Vyacheslav; Colonel with the Vlasov Forces, 67
Aschenbrenner; German General, 70
Assberg; Major General, Vlasov Forces, 72
Avdeev, Piotr; Cossack Captain, 87, 89

Bailey, E. Tomlin; U.S. Special War Problems Division, 37
Barmine, Alexander C.; defected Soviet diplomat, 148 ff
Barron, Bryton, 197 n
Barsov; defected Soviet pilot, 130 f
Beletzky, Andrey; Cossack Lieutenant, 87
Belov, Ivan; Cossack Colonel, 87
Belov, Vladimir; Cossack, 89
Bender, R. C.; Admiral, Commander U.S. Coast Guard, 5
Benes, Eduard; President of Czechoslovakia, 95 f
Beria, Lavrenty; Head of Soviet NKVD, 55
Berezov, Rodion; publicist, 150, 219 ff
Bilinsky, Andreas; Cossack, 89
Black, Robert; Governor of Hong Kong, 185
Bohlen, Charles; U.S. Chief of the Division of East European Affairs, viii, 33 ff
Bosch, Albert H.; U.S. Congressman (R., N.Y.) 128, 195, 198, 200 ff, 209 n
Bosiliev, Joseph V.; President of the American Society for Croation Migration, 175 ff
Bourne; Eric; foreign correspondent of *The Christian Science Monitor*, 181
Boyarsky, Vladimir; Colonel, Commander of the 41st Guard Division, 29, 65
Brewer, Sam Pope; journalist, *The New York Times*, 101
Brieze, Robert M.; President of the New Bedford Seafood Producers Association, 4 f
Brown, Fletcher, W.; U.S. Chief of Staff of the First Coast Guard District, 5 ff
Brown, Irving; European representative AFL-CIO, member of the Zellerbach Commission, 169
Bukhanzev, A., Russian intellectual, defector, 135 f
Bulganin, Mikhail, Russian author, 136
Bullitt, William C.; U.S. Ambassador to the Soviet Union, 139 f
Buniachenko, C. K.; Colonel in the Vlasov Army, 64, 66 ff, 68, 72
Byrnes, James F.; U.S. Secretary of State, 147

Canaris, Wilhelm; Admiral, Chief of the German Counter-intelligence Corps, 60
Carpenter, Alva C.; Chief Counsel of the U.S. Senate Internal Security Subcommittee (1954), 105

Carter, Oliver, G.; Judge, District Court, San Francisco, 202 ff
Casey, Richard G.; Foreign Minister of Australia, 114
Chenard, Jean; Deputy European Director of the International Committee for World Refugees, 173 f
Cherepanov; Soviet General, Chief of Staff to the Soviet military advisor in China, 54 f
Chiang-Kai-shek, Chinese Generalissimo, 54, 186 ff
Churchill, Sir Winston: British Prime Minister, 79, 82, 91 f, 95, 142
Chou-En-lai; Communist political leader; subsequently Foreign Minister of the People's Republic of China, 117 f
Chu-Teh; Chinese Red Army General, 54
Cummings, Homer S.; U.S. Attorney General (Roosevelt Administration), 139
Czettel, Hans; Austrian Minister of the Interior, 181 f

Davies, Joseph E.; U.S. Ambassador to Moscow, 139
Davis; Major, British Eighth Battalion at Lienz, 76 ff, 87 f
Dawson, Laurence A.; Acting Deputy Director, Office of Refugee and Migration Affairs, U.S. Department of State, 155
Dawson, William L.; Congressman (D., Illinois), 205 f
Deane, John R.; U.S. Major General, Military Attaché, U.S. Embassy in Moscow, 21, 25, 48 f
De Gaulle, Charles; General and Premier, 21
Denikin, Anton I.; General, White Russian Army, 53, 101 f, 213, 215
Dimitrov, George; Bulgarian Member of ACEN, 129
Dobriansky, Lev E.; Professor of Economics, 83
Dolmatov, General, 88
Domanov, T. I.; Major General, Cossack Commander, 76 f, 81
Donahue; Captain, Commander of Schluesselburg, 66 ff
Donarov, officer of ROA's medical service, 69
Duke, Angier Biddle; President, International Rescue Committee; member, Zellerbach Committee, 169
Dulles, John Foster; U.S. Secretary of State (Eisenhower Administration), 45, 119 f, 122 ff, 130, 133, 217
Durnovo, Nikita; Cossack Lieutenant, 87

East, Sherrod; archivist, 197
Eastland, James O.; Senator (D., Miss.), Chairman of the U.S. Senate Internal Security Subcommittee, 138, 141, 143 ff
Eckhardt, Tibor; Hungarian member of ACEN, 129
Eden, Sir Anthony; British Foreign Minister, 37
Ehrenburg, Ilya; Soviet author, 56
Eisenhower, Dwight D., General, ix, 26, 29, 36 ff, 44, 47, 50, 79, 93, 101 f, 107, 137 f, 196, 197 n, 218
President, ix, 2, 83, 133, 137 f
Elizabeth II; Queen of England, 79, 86 f, 88, 90
Ellis, William B.; District Commander of the First U.S. Coast Guard District, Boston, Mass., 5 ff
Epstein, Julius; author, vii ff, 83, 148, 198, 202
Eustis, Ralph, W.; Captain of the U.S. Coast Guard cutter *Vigilant*, 3 ff
Ewing, Charles G.; U.S. Army Captain, 1

Feher, Pal; Hungarian refugee, 189
Feighan, Michael A.; Congressman, (D., Ohio), 175
Ferrari, Anita; journalist, 165 ff
Figl, Leonard; Austrian Foreign Minister, 120, 122, 126 n, 132
Fischer, George; author, 54, 99, 194
Fisher of Lambeth, The Most Rev. Geoffrey Francis Fisher; Archbishop of Canterbury, 79
Foster, William Z.; National Chairman of the U.S. Communist Party, 140
Fotich, Constantin A.; Yugoslav Ambassador to the U.S., 147, 164 f, 176

García-Mora, Manuel R.; legal expert, 16, 19
Gasper, Edmund; Secretary General of the Assembly of Captive European Nations, 192

Gehlen, Reinhard; Lieutenant Colonel, Director of the Dept. Foreign Armies East, 60
George VI; King of England, 79, 88
Giannini, Dr.; member of the U.N. Commission on Refugees, 164 f
Golikov, Soviet General, 214
Grekov, Alexander; General, President of the Union of Cossack Officers, 87
Grew, Joseph C.; U.S. Undersecretary of State, 41 ff, 68 n, 96 f 112, 210
Griswold, Gilette; U.S. Army Chief Archivist, 47, 50
Gromyko, Andrei; Soviet Ambassador to the U.N., 36
Gruber, Dr. Karl; Austrian Ambassador to the U.S., 157 ff
Gryzlov; Soviet Lieutenant General, 21, 25, 48
Gufler, Bernard; member of U.S. Special War Problems Division, 33 f

Hagerty, James; Press Secretary to President Eisenhower, 137
Halder, Franz; Chief of the General German Staff, 60
Hailo, Danil; Cossack Lieutenant, 87, 89
Hamrick, Tom; U.S. Captain, Public Information Officer, Fort Dix, N.J., 104
Handy, Thomas I.; U.S. General, Acting Chief of Staff to General Eisenhower, 215
Harriman, W. Averell; U.S. Ambassador to the USSR., viii, 30, 32
Hasan, Festi; Albanian member of ACEN, 129
Hays, Wayne L.; Congressman (D., Ohio), 4 f
Hearst, William R. Jr.; newspaper publisher, 136, 201
Hecimovic, Joseph; author, 73
Helmer, Oskar; Austrian Interior Minister, 132
Herre, Heinz D.; General Koestring's Chief of Staff, 70
Himmler, Heinrich; Chief of the Gestapo, 64
Hitler, Adolf; German Chancellor, vii, xi, 16, 21, 55 ff, 75, 103
Hoffman, Michael L.; foreign correspondent to *The New York Times*, 151, 155, 159 ff, 168
Hoffman, Sinclair, J.; U.S. Artillery Officer, 102nd Infantry Division, 100
Hull, Cordell; Secretary of State, Roosevelt Administration, 26, 29 f, 140
Huxley-Blythe, Peter J.; author, 88, 90

Ilyichev, Ivan I.; Soviet Ambassador to Austria, 133
Ivanov, Major; leader in Cage 7, D.P. Camp, Riccione, Italy, 84

Jackson, Robert H.; U.S. Supreme Court Justice, Chief Counsel at Nuremberg Trials, 108 f
Jakushev; Soviet Battalion Commissar, 69
Jenner, William E.; Senator (R., Ind.) 138, 141, 143
Johnson, Lyndon Baines; U.S. President, 154, 202
Joy, Charles Turner; Vice-Admiral, Senior U.N. Command Delegate, 116

Kahn, Albert E.; author; 139 ff
Kalushny, Andrey; Cossack Captain, 87, 89
Kapustin, Alexander Nikolayevich; Counselor of the Soviet Embassy in Washington, 34 ff
Keitel, Wilhelm; German Field Marshal, Commander at the Russian front, 62
Keletch-Girey, Sultan; Major General, Chief of Caucasian Officer Corps, 81
Kennan, George; Chargé d'affaires, U.S. Embassy in Moscow, viii, 36
Kennedy, General; U.S. Commander of the Second Tank Corps, 70
Kennedy, John F.; U.S. President, 44, 196
Kennedy, Robert F.; U.S. Attorney General, 174
Kerby, Henry; Captain, British M.P. (C.P.), 82, 91 f
Kerensky, Alexander F.; Russian émigré leader, former head of the Russian Provisional Government, 218 f
Kholkov, Nicolai; defected Soviet intelligence officer, 130
Khrushchev, Nikita; member of Soviet War Council, 55, 72, 136
Kinsley, J. Donald; U.N. Delegate, 43
Kirk, Alexander C.; U.S. Political Advisor to the Supreme Commander, Mediterranean theater, 29 f, 32
Knowland, William F.; Senator (R., Cal.), 149
Koestring, Ernst; German General, liaison officer with Cossacks, 70

Kohlberg, Alfred; journalist, 186
Kommer, C.T.; journalist, 189 ff
Koniev, Ivan St.; Soviet Marshal, representative on the Allied Control Council for Austria, 65
Kononov, Major, Ivan N.; Cossack Commander, 75
Korbonski, Stefan; Polish member ACEN, 129
Korbukov, W. D.; member of Vlasov Forces, 72
Koriakov, Mikhail; defected Soviet Army Captain, 131
Kozores, Nikolai; Cossack, 89
Kozores, Sergei; Cossack, 89
Krasnov, Piotr N.; Ataman, Lieutenant General of the White Army, 77, 81
Krek, Michael; leader of the Free Slovenes in the West, 147, 164 f, 175
Kudirka, Simas; Lithuanian seaman, 3 ff
Kushinsky; ROA Captain, 69

Lane, Arthur Bliss; U.S. Ambassador to Poland, 162
Leahy, William D.; Fleet Admiral, Chief of Staff, Roosevelt Administration, 36
Lehman, Herbert H.; Senator (D., N.Y.); Governor of New York; first Director General of UNRRA, 193
Lenin, Vladimir I. (Ulyanov); Soviet Premier, 20, 53 f, 81
Levy, David; member New York State Youth Commission; member of the Zellerbach Committee, 169
Lodge, Henry Cabot, Jr.; Ambassador U.S. Chief Delegate to the United Nations, 141, 143 f, 145 f
Long, Edward V.; Senator (D., Missouri), 204
Los, Nikolai L.; defected Soviet Army Captain, 131
Lukianov, Victor; defected Soviet Army Major, 131
Lyons, Eugene; Senior Editor of the *Reader's Digest;* member of the Zellerbach Committee, 115, 129, 170, 173

McClure, Robert A.; Brigadier General, Chief of Psychological Warfare Division, Supreme Headquarters A.E.F., 28 f
McCormac, John; foreign correspondent, *The New York Times,* 133
McFadden, Robert; journalist, *The New York Times,* 3
McNarney, Joseph T.; Lieutenant General, Deputy Commander of AFHQ (Italy), 50, 106
McNeil; British Captain of the Eighth Battalion, Lienz Operation, 90
Mackiewicz, Joseph; author, 76, 79 f
MacMillan, Harold; British Minister Resident at Allied Force Headquarters, 29 British Prime Minister, 90
Malcolm, A. D.; British Lieutenant General, 87 f
Malenkov, Georgi M.; Soviet member, Commission for Economic Rehabilitation of Liberated Districts, 55 f
Maltsev, V.; Colonel, KONR, 29, 70, 72
Malyshkin, Vassily F.; KONR, Administrative Head, 29, 61, 69 f, 72
Mao-tse-tung, Chinese revolutionary leader, later Chairman of the People's Central Government of China, 117
Marshall, George C.; Secretary of State, Truman Administration, 1, 48
Masens, Vilis; Latvian member of ACEN, 129
Mayhew, Christopher P.; British Secretary of State for Foreign Affairs, 91
Meagher, John P.; Chief of Public Services Division. U.S. State Department, 166, 168
Meandrov, Mikhail A.; Colonel, head of the KONR Air Brigade, 29, 72
Melby, Secretary, U.S. Embassy, Moscow, 36
Mihajlov, Mihajlo; author, 180
Mikulkik, Josef and Eva, Czech DPs, 181 ff, 185
Mishchenko; Colonel, Soviet Commander of tank brigade, 67
Molotov, Vyacheslav M.; Soviet Foreign Minister, 119, 122 ff, 134, 149 ff
Montgomery, Sir Archibald; Field Marshal; British Chief of Imperial General Staff, 38, 91
Morelli, Dr.; member of the U.N. Commission on Refugees, 164
Moss, John E.; Congressman (D., Cal.), 202 ff
Moyne, Baron Walter E.; British M.P., leader of the House of Lords, 30
Muralov, Alexander; defendant in Moscow Trial, 139

Naumenko, V.; General, Ataman of the Kuban Cossacks, 76
Nicolaev, Major; in Vlasov Forces, 69
Nixon, Richard M.; U.S. Vice President and President, 3, 10
Nogueira, Alberto F.; Portuguese Foreign Minister, 187 f
Norris, James J.; European Director of the Catholic Relief Service, 161 f
Novikov, Nicolai V.; Soviet Chargé d'affaires, Washington Embassy, 41 f, 210
Nureyev, Rudolf; ballet dancer defected from USSR, 191

Oberlaender, Theodor; professor, spokesman for Vlasov, 70
Olshansky, Boris; defected and re-defected Soviet Army Captain, 131
Oppenheimer, J. Robert; U.S. physicist, 145
Ostrander, L. S.; U.S. Brigadier General, 50
Osusky, Stefan; Czechoslovak member of ACEN, 129

Paresce, Gabriele; press counselor of the Italian Embassy, 165
Patch, Alexander; U.S. General, Seventh Army Commander, 50, 69
Patton, George S.; U.S. Major General, 65
Pearson, Lester; President of the U.N. General Assembly, subsequently Canadian Prime Minister, 117
Peaslee, A. J.; author, 18 n
Pegler, Westbrook; columnist, Hearst papers, 20, 201
Peter; King of Yugoslavia, 79, 88
Petrovsky, Anatol; Captain, Fifteenth Cossack Calvary Corps, civil war, 87, 89 f
Pike, The Very Rev. James A.; 169
Pirogov, Peter; defected Lieutenant of the Guards of the Soviet Air Force, 130
Pirogov, Valeria, 130
Pius XII; Pope, 79, 88, 165
Popiel, Karel; Polish member of ACEN, 129
Portuda, Dr.; member of the U.N. Commission on Refugees, 164
Potter, Harold E.; Colonel, U.S. Army Chief Historian, 47, 50
Prcela, John; Chairman of the Committee for the Investigation of the Bleiburg Tragedy, 74
Protopov, Alexander; Cossack Colonel, 87, 89
Protopov, Boris; Cossack Captain, 87, 89
Pyatakov, Grigori L.; defendant in Moscow Trial, 139

Raab, Julius; Austrian Chancellor, 126, 151, 156, 158
Radek, Karl B.; defendant in Moscow Trial, 139
Rensorov, Aide to Vlasov, 65
Resor, Stanley; U.S. Secretary of the Army, Nixon Administration, 39, 202
Ressler; First Lieutenant, Vlasov interpreter, 69
Robins, Colonel; U.S. representative in St. Petersburg, (1917–1918), 140
Robinson, Kenneth; British M.P. (Labor), 92
Robsman, Victor; defected correspondent of *Izvestia,* 131
Rogers, William P.; U.S. Secretary of State, Nixon Administration, 6
Romainville, François de; journalist, 209
Roosevelt, Franklin Delano; U.S. President, 36
Rosenberg, Alfred; Nazi Reichminister for the Occupied Territories of the Soviet Union, 59 f
Rostovtseva; Vlasov interpreter, 69
Ruban, Nikolai G.; defected Soviet agronomist, 135 f
Rudin, Vladimir; journalist, co-director of PRP (Political Research Project), 129
Rusk, Dean; Secretary of State, Eisenhower Administration, 174

Sakutny, W. I.; member of Vlasov Forces, 72
Sálazar, Antonio de Oliveira; Portuguese Prime Minister, 187
Saveliev, Major; Vlasov Forces, 69
Sayers, Michael; author, 139 ff
Schlater, Dr.; Chairman of the U.N. Commission on Refugees, 164
Schwartz, Harry; correspondent, *The New York Times,* 132

Sergern-Korn, George; Cossack Lieutenant, 87
Sevastianov, General; Vlasov Forces, 72
Shaposhnikov, Boris M.; Soviet Chief of the General Staff, 55
Shatov, N. S.; Vlasov Forces, 72
Sheehan, Timothy, P.; Congressman (R., Ill.), 199
Shen, James; Government Director of Information, Republic of China, 186
Shestov; defendant in Moscow Trial, 139
Shilenkov, G. N.; General, Vlasov Forces, 72
Shkuro, Andrei G.; Cossack General, National hero of Kuban Cossacks, 77, 81
Sidzikauskas, Vaclovac; Lithuanian member of ACEN, 129
Slikin; Cossack General, 78
Smirnov, Vasily; defected Soviet Air Force Captain, 131
Smith, Howard W.; Congressman (D., Va.), 200, 221
Sokolnikov, Grigory; defendant in Moscow trial, 139
Sokolov, Vladimir; defected Soviet Army Captain, 131
Somov, Boris; Cossack Colonel, 87, 89
Sova, Piotr; Cossack Lieutenant, 87
Sovolnikov; Lieutenant Colonel, 70
Stalin, Joseph (Dzhugashvili); Marshal, Chairman of the Council of People's Commissars, USSR, vii ff, 1, 3, 8, 21 ff, 31, 35, 37, 45, 53 f, 55 ff, 66, 71, 81 f, 87, 94 f, 104, 109, 114, 119, 140, 147, 149 n, 150, 175, 179, 193, 197, 219
Steenberg, Sven; author, 55, 61, 66 ff
Stein, Oswald; Colonel, D.S.O., 94 ff
Steinhardt, Laurence A.; U.S. Ambassador to USSR and Czechoslovakia, 95
Stettinius, Edward R.; Acting Secretary of State, Roosevelt Administration, 36 f, 41, 43 ff
Stimson, Henry L.; U.S. Secretary of War, Roosevelt Administration, 197
Stokes, Richard; British M.P. (Labor Party), 9
Strik-Strikfeld; Captain, German High Command of the Army at Vinnitza, 60, 69 f
Sverev, G. A.; member of Vlasov Forces, 72
Svoboda, Ludwik; General, Minister of National Defense, 95
Swanstrom, Edward E. Msgr.; Executive Director of the Catholic Relief Services, 162 f, 174 f
Sykov, M. A.; Soviet Battalion Commissar, 61

Tarruski, Evgenij; Cossack editor, 76, 78
Taylor, Jack; journalist, 82
Tenison, R. H.; British official, 87
Tensorov, Nicolas; Lieutenant Colonel, Intelligence Chief, KONR, 69
Thompson, Llewellyn; U.S. Ambassador to Austria, 125
Thorwald, Juergen; author, 99
Tikhov, Herman; defected Soviet Air Force Captain, 131
Timoshenko, Semon K.; Soviet Marshal, 55
Tinio; Turkestan nomad, 105 ff
Tisserant, Eugene; Cardinal, 101
Tito, Josip Broz; marshal, head of Yugoslav Government, 73 f, 162 f, 175 ff
Tolstoy, Countess Alexandra L.; President of the Tolstoy Foundation, 147 f
Tompkins, Elon F.; journalist, *New York Journal American*, 201
Trukhin, F. I.; General, Chief of KONR, 29, 65, 72
Truman, Harry S.; U.S. President, 1, 108, 119
Tukhachevsky, Mikhail N.; Marshal of the Soviet Union, 54 f

Ulbricht, Walter; member of National Committee for a Free Germany in Moscow, 63, 114, 177, 180
Uljanov, Alexander; Lenin's brother, 53
Urasov, Vladimir; defected Lieutenant Colonel of the Soviet Army, 131

Vahter, Leon; Estonian member of ACEN, 129
van den Heuvel, William J.; President of the International Rescue Committee, 174 f
van Heuven Goedhart, G. J.; U.S. High Commissioner for Refugees, 135, 139 ff, 164
Vasiliev, Lev; defected member of the Soviet Embassy in Iran, 131
Vasiliki, V. P.; Ukrainian professor, 136
Viatkin, Fedor; Cossack Captain, 87
Vishniakov; defector, 136

Visoianu, Constantin; Rumanian member of ACEN, 129
Vlasov, Andrey A.; General, KRON, ix, 27 ff, 53 ff, 91, 109, 114, 150, 179
von Den Schulenburg, Count Friedrich; German diplomat, 60
von Pannwitz, Helmuth; S.S. General of the German Army; Commander of Cossack unit, 81
von Paulus, Friedrich; German General, Commander of Sixth Army surrendered at Stalingrad, 57, 63, 114
von Stauffenberg, Count Klaus; German officer, participant in Hitler assassination plot, 58, 60
Voronova, Maria; friend of Vlasov, 57
Voroshilov, Kliment E.; Soviet Commander, Leningrad front, 55
Vyshinsky, Andrei, J.; Soviet Deputy, Public Prosecutor, delegate to Potsdam Conference, 139

Watkins, Arthur V.; Senator (R., Utah), 138, 210
Welker, Herman; Senator (R., Idaho), 106
Wiley, Alexander; Senator (R., Wis.), 199
Woetzel, Robert K.; Professor of Public Law, Fordham University, 110
Wolfe, Bertram D.; author, vii, 83
Wrangel, Peter N.; White Russian General, 53, 88
Wycisle, Aloysius J.; The Very Rev. Msgr., 148

Yen Hsi-shan; Marshal, Supreme Commander Second Military District, Northwestern Front at Shansi, 54
Yost, Charles W.; U.S. Ambassador to the U.N., 5
Yukshinsky, Vladislav; Cossack Captain, 87

Zakutny, W.; Colonel, Vlasov Forces, 29
Zhilenkov, Georgi N.; Colonel, Vlasov Forces, 29
Zhukov, Grigori K.; Marshal of the Soviet Union, 55 f, 136

BIBLIOTHEQUE INTERUNIVERSITAIRE
GRAND PALAIS
PARIS

Subject Index

ACEN, see Assembly of Captive European Nations
Algemeen Dagblad, 143
American Legion Magazine, 198
The Army Quarterly, 94, 96
Assembly of Captive European Nations (ACEN), 129, 192 f
Austrian Draft Treaty, 119, 121 ff, 126 ff, 151, 156, 158, 160, 217 ff
Austrian State Treaty, Article 16 (1955), 119 f, 122 f, 126, 151, 156, 217 ff

Bamboo Curtain, 191
Berlin Four Power Ministers Conference, February, 1954, 119 f, 122 ff
Bleiburg Tragedy, 73 ff
Bosch Resolution, 195 f, 198 ff
Brest-Litovsk, Treaty of, 14
British Soviet Forced Repatriation Agreement, 30

CAMPS, Prisoner of War; Displaced Persons; Refugees:
- Dachau, Germany, 91, 97, 100 f, 195, 213
- Doleville, Alabama, 35
- Fort Dix, New Jersey, ix, 34, 103 f
- Opelika, Alabama, 35
- Peggetz, Austria, 76
- Plattling, Austria, 91, 97, 99 f, 195
- Rimini, Italy, 91, 195
- Rupert, Iowa, 37, 41, 43
- Salzburg, Austria, 220
- Traiskirchen, Austria, 181
- Toronto, Canada, 91
- Vinnitza, Ukraine, 58
- Winchester, Virginia, 35

Christian Science Monitor, 181 f
Committee for the Return to the Homeland, 135, 156 ff
Congress, Intent of, 204
Congressional Record, 128, 176, 198
- February 8, 1955, (Katyn), p. 1130, 109, 131

CONSTITUTIONS, re Right of Political Asylum:
- Argentina, 18
- Brazil, 18
- Costa Rica, 18
- Cuba (pre-Castro), 18
- El Salvador, 18
- France, 18
- Germany, Federal Republic of, 18
- Haiti, 18
- Italy, 18
- Mexico, 18
- Paraguay, 18
- Peru, 18
- Uruguay, 18

Cossacks, viii, 75 ff, 86 ff, 93, 95, 97 f

Daily News, New York, 129
Daily Worker, 136, 140
Dawson Report, 206
Department of State Bulletin, 126 n
Displaced Persons Camps: see CAMPS

Exil et Liberté, 209 n

FBI, see Federal Bureau of Investigation
Federal Bureau of Investigation (FBI), 10
Forced Repatriation, British-Soviet Agreement, 30 f
- Draft Convention against, 207
- International Convention against, 207

Forcible Repatriation of Displaced Citizens, see Operation Keelhaul
Fotitch-Krek Memorandum, 164 ff, 176
Free Germany, National Committee for a, 63
Freedom of Information Act, July 4, 1967, 202 ff

Geneva Committee of the International Red Cross, 174, 179, 214

Geneva Conventions, The, 13 f, 28, 94, 96 f, 112 f, 116 f
Relating to the Status of Refugees, 15
United Nations (1951), 6, 16, 163, 173, 182
Genocide Convention (1948), 201
German High Command of the Armed Forces (Oberkommando der Wehrmacht) (OKW), 58, 60, 71
Gestapo (German Secret Police), 78
Giorno, Il, 178

Hague Convention, The (1899), 13 f, 28
Fourth (1907), 13 f, 28, 97, 107 ff, 117
Het Parool, 141 ff
Hetfoi Hireck, 189
Hitler Germany, 16, 31, 42, 168
Hungarian Freedom Fighters, 155

Indian Draft Resolution, 117
Industriekurier, Duesseldorf, 186
International Committee for the World Refugees, 173
International Court of Justice, The Hague, 169
International Military Tribunal, Charter, 107
November 21, 1945, 109, 154
International News Service (INS), 129
International Refugee Organization (IRO), 151, 160, 220
International Rescue Committee, 174
IRO, see International Refugees Organization,
Iron Curtain, 91, 115, 168, 178 ff, 191, 198 f, 218
Izvestia, 72, 131

Joint Chiefs of Staff (JCS), 49 f

Katyn Massacre, vii f, 14, 109, 131, 162
American Select House Committee to Investigate the Katyn Massacre, 109, 131, 162
Keelhaul, Operation, see Operation Keelhaul
KONR Army, see National Liberation Army for Soviet People
Korean Armistice, Draft Resolution on, 116 f
Korean War, ix f, 17, 111, 115, 118

Liberation of the Peoples of Russia, Committee for the, 62, 64
Lienz Tragedy, 73, 75 ff, 91, 97
London Agreement on the Prosecution of Nazi War Criminals, 108
London War Crimes Agreement, 107
London War Crime Commission, 107 f

McCarran-Walter Immigration and Nationality Act, 1962, 137 f, 150, 210
Moss Affidavit, 203 f
Moscow Conference (1955), 125 f

National Catholic Welfare Conference (NCWC), 161 f
National Liberation Army for Soviet People (KONR), 64, 99
NATO (North Atlantic Treaty Organization), 125
NCWC, see National Catholic Welfare Conference
Netherlands News Bulletin, The Hague, 144
New York Herald Tribune, 127 ff, 156 ff, 201 f
New York Journal American, 201
New York Times, The, 1, 5, 100 f, 125, 151, 155 ff, 186 f, 201 f
New Yorker Staatszeitung und Herold, 209 n
NKVD (Soviet Secret Police) ix, 78, 109, 173 f, 220
Nuremberg Laws, ix, 105 ff, 154
Principles, 11, 108, 110
Trials, ix, 109 f

Osservatore Romano, 165, 167
Operation Eastwind, 83 ff
Operation Keelhaul, x, 1, 11, 13, 51, 75, 80, 82 ff, 86, 90 ff, 99 f, 103, 105, 138, 160, 167, 185 f, 195 f

Pentagon, The, 99, 104, 196, 201
Potsdam Agreement (1945), 95
Prague Manifesto, 62 f
Pravda, 81
Prisoner of War Camps, see CAMPS
Prisoners of War and Civilians, Agreement between the U.S. and U.S.S.R. Concerning Liberated POWs and Civilians, 1945, 21

Radio Free Europe, 128
Radio Liberation, 128
Reader's Digest, 169
Red Cross, 174, 179, 214
Refugees, Convention Relating to the International Status of Refugees Coming from Germany (1933), 15
Protocol Relating to the Status of Refugees, 154, 169
United Nations Draft Convention Relating to the Status of Refugees, 151
United Nations Conventions Relating to the Status of Refugees (Magna Carta), 152 ff, 176 ff, 190, 192
Repatriation Provision, Yalta Agreement, March 8, 1946, see Yalta Agreement
Repatriation of Prisoners of War, Draft Resolution on, 116
Reuter's News Service, 180 f
Rheinischer Merkur, 192
ROA, see Russian Liberation Army
Roosevelt Administration, 26, 196 f
Russian Liberation Army (ROA), 27, 61 ff, 68
Russian National Committee, 61

Saturday Evening Post, 64
SHAEF, see Supreme Headquarters Allied Expeditionary Force
Smolensk Manifesto, 61 f
Soviet-Austrian Agreement, April 15, 1955, 125 f
Sovietskaya Litva, 1 f, 7
Supreme Headquarters Allied Expeditionary Force (SHAEF), 2, 28, 37, 47, 50, 93

The Tablet, Brooklyn, 45, 147, 164 f
Telegraph, London, 143
Top Secret Army Survey, "Operation Keelhaul", 51
Top Secret, viii, 1, 51, 99, 105, 115, 43 f, 138, 195 ff, 203 ff
Tolstoy Foundation, 147 ff

United Nations, x, 1, 5, 24, 38, 98, 110 ff, 115 ff, 121, 155 f, 165, 168
Convention for Refugees, 176 ff
Relief and Rehabilitation Agency (UNRRA) (order 199), ix, 93 f, 195
Resolution, February 12, 1946, 16 f
Resolution, December 3, 1952, 17
Universal Declaration of Human Rights (1948), 19, 94
UNRRA, see United Nations Relief and Rehabilitation Agency
U.S. Executive Order 10501, Safeguarding Official Information in the Interest of the U.S., 195 f
10964, Amendment to Executive Order 10501, 196
U.S. Senate Internal Security Committee, 1954 & 1956, 93, 105, 148, 195
Ustashi, 73

Vienna Kurier, 161
Vigilant, U.S. Coast Guard Cutter, 3 ff
Vlasov, Army, 27, 57
Forces, 27, 38, 41, 43, 47 f, 57, 64
Movement, ix, 58 ff, 62 ff, 96
Vlasov Troops, 27, 31, 42 f, 65, 70, 114
Voice of America, 11, 128

Watkins Amendment to the McCarran-Walter Act of 1952, 210

Yalta Agreement, on Repatriation, March 8, 1946, 11, 21, 23 ff, 44, 46 ff, 49, 75, 91, 93, 95, 101, 105 ff, 112, 122, 135, 147, 197, 199, 215
Yalta Papers, 44 ff
Yugoslav Refugees in Zellerbach Report, 170 ff

Zellerbach Commission on the European Refugee Situation, October, 1957, 170, 172 f
Zellerbach Report, 169